Mr. HAWKINS, Mr. HATHAWAY, Mrs. MINK, Mr. MEEDS, Mr. STOKES, Mr. DELLENBACK, Mr. TIERNAN, Mr. BROWN of California, Mr. BURTON of California, Mr. CORMAN, Mr. GUBSER, Mr. HOSMER, Mr. ROYBAL, Mr. TALCOTT, Mr. TUNNEY, Mr. HICKS, and Mr. COHELAN):

H.R. 18742. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. MILLER of California, Mr. ALEXANDER, Mr. BURKE of Massachusetts, Mr. BURTON of Utah, Mr. FLOOD, Mr. FOLEY, Mr. FULTON of Tennessee, Mr. FUQUA, Mr. GONZALEZ, Mrs. HANSEN of Washington, Mr. HECHLER of West Virginia, Mr. LUJAN, and Mr. MCCLURE):

H.R. 18743. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. MADDEN, Mr. MIKVA, Mr. O'KONSKI, Mr. O'NEAL of Georgia, Mr. PEPPER, Mr. PIRNIE, Mr. POLLOCK, Mr. PRICE of Illinois, Mr. PRYOR of Arkansas, Mr. RODINO, Mr. ST GERMAIN, Mr. STEIGER of Arizona, and Mrs. SULLIVAN):

H.R. 18744. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high employment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. ST GERMAIN:

H.R. 18745. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Tennessee:

H.R. 18746. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933, as amended; to the Committee on Public Works.

By Mr. OTTINGER:

H.R. 18747. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on certain real property owned by foreign governments; to the Committee on Foreign Affairs.

H.R. 18748. A bill to impose an excess profits tax on the income of corporations during the period of military involvement in Southeast Asia, in order to establish a fund to provide for the improvement of residential housing in the United States; to the Committee on Ways and Means.

By Mr. BENNETT:

H.J. Res. 1338. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PURCELL:

H. Con. Res. 696. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and authorizing a special joint meeting of the Congress for the purpose of receiving in joint session a representative delegation of the wives and families of American prisoners of war; to the Committee on the Judiciary.

By Mr. RANDALL:

H. Res. 1169. Resolution providing for the consideration of the bill (H.R. 18279) the Organized Crime Control Act of 1970; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. COUGHLIN:

H.R. 18749. A bill for the relief of Albert George Holder; to the Committee on the Judiciary.

By Mr. SCHADEBERG:

H.R. 18750. A bill for the relief of Gregorio Teti; to the Committee on the Judiciary.

SENATE—*Thursday, July 30, 1970*

The Senate met at 11 a.m. and was called to order by the Vice President.

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

O God, above all, yet in all, separate us for this moment from the world without to that deeper world within, which Thou hast made the home of Thy spirit. We thank Thee for the great kingdom of the mind and the silent spaces of the soul. Help us not to be afraid of ourselves, since we were made in Thy image, loved by Thee before the world began, and fashioned for Thy eternal habitation. Take possession of the very center of our being, point us in the right direction, light up our pathway, sharpen our insights, and command all our energies. May conscience monitor every thought, word, and deed according to Thy holy laws. Help us to serve Thee in the quiet discharge of the day's duty. Bestow on us the role of the servant and carry on through us the work Thou didst commence in the Man of Nazareth.

In His name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 29, 1970, be dispensed with.

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

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from West Virginia (Mr. BYRD) is now recognized for 1 hour.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, immediately upon disposition of the reading of the Journal, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

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

TREATMENT OF AMERICAN PRISONERS OF WAR BY NORTH VIETNAM

Mr. BYRD of West Virginia. Mr. President, recently there was a great flurry of excitement and indignation in this country as a result of the disclosures regarding mistreatment of prisoners held by the Government of South Vietnam in its Con Son Island prison.

Subsequently, the government at Saigon announced that it would discontinue use of the so-called tiger cages which stirred up the controversy. The cells in which prisoners were held will be remodeled, and henceforth more humane conditons will prevail, Saigon said.

The outcry which was raised over the reported conditions at Con Son was right and proper, in my judgment. It is encouraging to know that, as a result of the indignation expressed, the conditions have reportedly been improved and will continue to be improved.

There is a lesson to be learned from this, I believe. The United States should now intensify its efforts to bring about similar results in North Vietnam with respect to the members of the Armed Forces of our country who are held captive by the government in Hanoi.

Mr. President, nearly 800 American airmen are known to have been shot down over North Vietnam. In all, there are now more than 1,400 Americans—military personnel and civilians—missing or captured in Southeast Asia. Of this total, some 300 have been missing or captured for 4 years or more—longer than any Americans have ever been held as prisoners of war at any previous time in the history of our country. In World War II, no Americans were held prisoners for longer than 3½ years.

The actual number of Americans held prisoner by Hanoi is not known, because North Vietnam has thus far refused to release any information concerning them—this in gross violation of the Geneva Convention of 1949 relative to the treatment of prisoners of war, to which

North Vietnam subsequently became a signatory nation.

The magnitude of Hanoi's infamy in this regard can only be put into its proper context when it is realized that for each of these men languishing in some unknown Asian prison, there are wives, children, parents, loved ones, and friends, grieving for them here at home, not knowing whether they are dead or alive, starving or ill—and wondering, in their frustration and grief, why our country does not do more to gain information about these men and to bring about their release.

Much effort has been put forth by our Government and by private agencies, of course. But, until the men are returned, or until we know positively that they are being properly treated, all that has been done will not have been enough.

The Geneva Convention—to which North Vietnam is a party—provides a special status for members of the Armed Forces taken prisoner. Because these men have no means of protecting themselves, international law stipulates that they must be protected from physical and mental abuse and that their persons and their honor must be respected. There can be no justification for mistreatment or injury of those who have fallen into the hands of the enemy and who no longer present any military threat.

The safeguards which protect—or should protect—prisoners of war are spelled out in detail in the Geneva Convention, which requires that "prisoners of war must at all times be humanely treated." It establishes standards for POW camps and for the food, clothing, and medical care of prisoners. The convention guarantees prisoners the services of a "protecting power" and the right of communication with their families. It guarantees the right of repatriation. Seriously sick and wounded POW's must be allowed, under the convention, to return home as soon as they are fit to travel, even if hostilities continue. All others who are not released during hostilities must be repatriated as soon as hostilities end.

It is important to note, in this connection, that South Vietnam, and the United States and other countries assisting South Vietnam recognize the Geneva Convention and abide by its provisions. But North Vietnam, the Vietcong, and the Communist Lao Patriotic Front have thus far refused to do so, and the National Liberation Front has taken the position that it is not bound by the convention. The International Committee of the Red Cross—ICRC—however, affirms that the Vietcong are bound by the provisions of the convention because of the adherence of both North Vietnam and South Vietnam to the convention.

North Vietnam has attempted to justify its repudiation of the convention in the case of the American prisoners by contending that it does not apply in a situation in which no war has been declared. Hanoi also has denied having troops in South Vietnam, and, from time to time, has charged that the Americans who have been shot down are "war criminals" and thus are not to be covered by the protective provisions of the convention.

Hanoi, however, is on shaky ground here, because the Geneva Convention specifically states in article 2 that it shall:

> Apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

Mr. President, North Vietnam ratified the prisoner-of-war agreement on June 28, 1957. The United States ratified it on August 2, 1955. And South Vietnam acceded to the accord on November 14, 1953.

Australia, Thailand, the Philippines, Korea, and New Zealand—the other countries supplying troops to aid the South Vietnamese—all are signatories to the convention, and all have honored it.

The International Committee of the Red Cross has repeatedly confirmed that all prisoners of war held by North Vietnam come under the Geneva Convention, or should come under it. But Hanoi has declined to allow the ICRC—or any other impartial agency, for that matter—to gain any information about the American airmen and other prisoners it holds.

Furthermore, the North Vietnamese have spurned a U.S. Government proposal made in July 1966 that a conference be held under ICRC auspices to consider the application of the Geneva agreement to the Vietnam conflict.

One of the requirements of the convention is that the parties to a conflict must establish an information bureau to collect the names and vital information concerning prisoners of war, and that they must forward such information to the countries concerned, through the intermediary of a protecting power and a Central Information Agency to be created in a neutral country.

The ICRC has performed the functions of a central information agency by calling on all countries involved in the Vietnam war to respond with lists of prisoners of war for its Central Tracing Agency. This has been done by the United States and South Vietnam. The government at Saigon supplies the ICRC with the names of all prisoners taken by the U.S. forces in South Vietnam or by the armed forces of that country.

North Vietnam and the Vietcong have refused to do likewise.

Hanoi has allowed some prisoners it holds to write to their families, but such communications have been very irregular and infrequent. In some cases, the letters have gone through such irregular channels as U.S. antiwar groups.

No letters have been received from U.S. prisoners held by the Communist aggressors in South Vietnam or Laos. The families of the men who are missing or thought to be prisoners write to them, but there is no assurance of any kind that the North Vietnamese allow the letters to be delivered to the men.

Hanoi has also announced that packages could be sent to prisoners, and hundreds of such parcels have been dispatched by families and friends to the men listed as missing. But, as callous and as indifferent as it may seem in what is supposed to be a civilized world, in most instances Hanoi has not allowed any acknowledgment to be made of the receipt or nonreceipt of the parcels. The families of the men are left to guess at what may have happened to what they have mailed.

One can only surmise the pain and anguish caused the next-of-kin by such utterly reprehensible tactics. Mothers and fathers and wives and children are made to endure the continuing agony of writing letters and sending parcels to their loved ones, only to see the letters and parcels disappear into a void.

A number of wives and other relatives of the missing Americans have traveled to Paris and elsewhere to ask North Vietnamese and NLF representatives to tell them whether their men are alive or dead. These pitiful, suffering persons have been told by the representatives of the North Vietnamese and the NLF that their requests for information would be forwarded to Hanoi for consideration and that families of other missing or captured personnel could write to them in Paris for information. Hundreds of next-of-kin have written requesting such information, but no replies have been received.

The Communists, instead of replying to the letters as promised, have accused the United States of "exploiting family sentiment." It should be clear to all, Mr. President, that it is the Communists who are "exploiting family sentiment," and that they are doing it with cynical and callous deliberation.

Article 8 of the Geneva Convention requires that a protecting power be named to safeguard the interests of the prisoners and to establish the fact that they are being treated in accord with the provisions of the convention. The protecting power is usually a neutral government, such as Switzerland, which served in this role in World War II.

The protecting power has the duty of verifying conditions under which prisoners are detained. It is entitled to visit privately with prisoners, to hear their complaints, to advise them of their rights, and to help resolve disputes between the parties to the conflict over the application of the provisions of the convention. If formal protection cannot be arranged, a substitute organization or agency such as the ICRC must be appointed to assume the humanitarian functions performed by the protecting power. No party holding prisoners has the right to deny those prisoners this fundamental protection.

Notwithstanding this clear requirement of the convention of 1949, Mr. President, North Vietnam has refused to allow the Americans it holds to have the benefit of a protecting power, and it has not permitted the ICRC to perform the humanitarian functions of a protecting power.

South Vietnam, on the other hand, together with its allies, has cooperated fully with the ICRC, enabling that organization to perform the functions of a protecting power for prisoners of war held in South Vietnam.

Some abuses with respect to prisoners of war held in South Vietnam may have

made clear for all to understand the United States and its allies have made every effort to see that the provisions of the Geneva Convention are carried out. Every prisoner of war camp in South Vietnam has posted on its premises, in language the prisoners can easily understand, the requirements of the convention. Every member of the American Armed Forces is given an instruction card on the treatment of captives, as are the South Vietnamese and other allied forces.

But it is known that in South Vietnam, in the prison camps operated by the invaders, there have been repeated instances of the murder of prisoners held by the enemy and of the death of prisoners from neglect and mistreatment. Often, the evidence of such brutality has not emerged until long afterward.

For example—and here, Mr. President, I quote the following directly from the Department of State's Vietnam Information Notes No. 9, as revised in April of this year:

The brutal murders of two U.S. Army personnel, Capt. David R. Devers and M/Sgt. John J. O'Neill, did not come to light until December 1969, more than three years after their capture and execution by Communist forces. Others have met similar fates: Capt. Humbert R. Versace was murdered after 32 months of captivity; Sfc. Kenneth M. Roraback was killed after 31 months as a prisoner; Sgt. Harold G. Bennett was executed after 30 months of captivity. The last three were killed as announced acts of reprisal—a grave breach of the Geneva Convention. The United States protested these and other killings of prisoners to the ICRC.

Other prisoners have died of disease and maltreatment, aggravated by inadequate food and medical care. Efforts to send relief parcels and medical supplies to prisoners in South Viet-Nam have been consistently rejected by the Viet Cong, despite repeated efforts by wives of prisoners and humanitarian organizations to arrange this.

In North Viet-Nam prisoners have been publicly humiliated, mistreated and exploited. Widely publicized photographs have shown American pilots being paraded before jeering mobs in Hanoi and displayed at press conferences. The United States has vigorously protested such treatment and in January formally conveyed our objections to the Soviet government for broadcasting messages purportedly recorded by U.S. pilots in North Viet-Nam. Such broadcasts violate the Geneva Convention prohibition against public exploitation of prisoners of war.

The other side's disregard of humane considerations in the treatment of prisoners is exemplified in its rejection of offers by the Government of the Republic of Viet-Nam to release North Vietnamese sick and wounded prisoners. Rather than agree to this repatriation of its own men, the other side demanded the release of all prisoners held by the Government of the Republic of Viet-Nam. At the same time, it has refused to discuss the release of all prisoners of war on both sides.

Article 17 of the Geneva Convention states that: "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

Despite the other side's public claims of "humane treatment" for prisoners the evidence is clear that U.S. prisoners in Southeast Asia have been gravely mistreated, in violation of this Geneva Convention rule. Films and photographs from North Viet-Nam, reports from travelers, and the testimony of released prisoners all confirm this conclusion. North Viet-Nam has refused all efforts by the ICRC and other respected humanitarian bodies to examine the conditions of U.S. prisoners. In the absence of such impartial inspection the other side's claims of "humane treatment" cannot be accepted.

Pictures and films released or approved by North Viet-Nam have shown U.S. prisoners in what appears to be solitary confinement. Such films also raise serious questions as to whether prisoners are receiving proper medical care and diet, since they show prisoners continuing to suffer from injuries incurred at the time they were captured, and in some cases having lost much weight. Several prisoners have been shown still using crutches after many months of captivity.

In August 1969 North Viet-Nam released 3 U.S. servicemen, two of whom subsequently described their treatment at a press conference at the U.S. Naval Hospital, Bethesda, Maryland, September 2, 1969.

Lt. Robert Frishman, USNR, wounded and captured when his aircraft was shot down on October 24, 1967, gave the following account of the mistreatment of U.S. prisoners by North Viet-Nam:

Lt. Cmdr. John McCain, who has many broken bones, has been in solitary confinement since April 1968. He will require further medical treatment as soon as he returns to the United States.

Lt. Cmdr. Richard Stratton, who refused to say before the press that he had received humane and lenient treatment, was tied up with ropes to such a degree that burns resulted which became infected, leaving large scars on his arms. He was deprived of sleep, beaten, had his fingernails removed, and was put in solitary confinement for 38 days. Facing future torture, Stratton was forced to make appearances before the press and cameras saying he wasn't tortured or brainwashed. He "intentionally walked around glassy-eyed, bowing as we are forced to do in camp, trying to give the impression he is brainwashed and hoping Americans would get the message," said Lt. Frishman. They did and the rebound hit Hanoi right between the eyes.

I don't think solitary confinement, forced statements, living in a cage for 3 years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane, Lt. Frishman told the newsmen.

Seaman Douglas Hegdahl, who was lost at sea and was picked up by North Vietnamese fishermen, was kept in solitary confinement for over 7 months. He was made to stand with his hands over his head for long periods for trying to talk with other prisoners. He reported that many prisoners are not allowed to send or receive mail, and many have been in solitary confinement for years.

These are indefensible, despicable, and contemptible actions by a country considered to be among the civilized nations of the world, and it is not possible, in my judgment, to condemn North Vietnam too strongly for the course it has followed.

It continues to amaze me that so very little has been said in condemnation of these unspeakably atrocious actions of the Viet Cong and North Vietnamese by some of the groups that talk the loudest in condemnation of our country's efforts to help the South Vietnamese maintain the viability and the integrity of their country against aggression.

All Americans are eager to see the earliest possible conclusion to the hostilities in Vietnam. No one wants to see U.S. troops remain in South Vietnam a day longer than is necessary. Yet, as U.S. forces are withdrawn, there is a growing apprehension about the unknown fate of our men held by the enemy.

In my judgment, Mr. President, those Americans who most strongly favor early and complete U.S. withdrawal also have the strong obligation to join in pressing Hanoi for a satisfactory resolution of the prisoner-of-war issue. Surely, our people—divided as they are on the war itself—can unite on the prisoner problem and raise their voices as one in a demand that North Vietnam abide by the rules to which it has agreed and that it treat the Americans whom it holds captive humanely and decently, and that it identify them and allow them to correspond with their families.

If only a portion of the effort that some Americans have devoted to demonstrating against and protesting the war had been devoted to protesting Hanoi's treatment of prisoners, some progress by now might have been made toward helping these men. But, I have yet to hear demonstrators express concern—in any degree comparable to their condemnation of America's actions—for the American men who have fallen into enemy hands while serving their country.

Mr. President, the improvements which reportedly have been made at the Con Son prison in South Vietnam lead me to believe that there may at least be some possibility that increased American public pressure on Hanoi may bring some results.

The Government of North Vietnam, of course, does not respond to American public opinion as does the government at Saigon. But there is no reason to believe that Hanoi is wholly oblivious to what Americans think and to the general trend of public opinion in the United States.

On the contrary, there is considerable evidence that the North Vietnamese Government counts rather heavily on the sentiment in this country to help it gain its objectives in Southeast Asia. It is possible that the government leaders in Hanoi might also be responsive to U.S. public opinion on the prisoner-of-war—just as was Saigon—issue if they became convinced that Americans in general are becoming increasingly outraged by the callous and inhuman treatment of our servicemen and that we will remember the attitude of Hanoi far into the future.

The unfeeling inhumanity of Hanoi thus far deserves not only the strongest American protest, but it deserves worldwide contempt and condemnation as well. North Vietnam, by its brutal treatment of American prisoners of war, has made itself a pharaoh among the nations of the world, and this fact, Mr. President, ought to be driven home to Hanoi in unmistakable terms by the American people and by every civilized nation in the world. Measured by any civilized concept, Hanoi's shameful treatment of American prisoners should produce a worldwide reaction of censure and revulsion and horror.

These are by no means the sentiments of one U.S. Senator only. Many Members of this body have spoken in a similar vein, as have Members of the other body and the executive branch.

President Nixon, in his foreign policy report to the Congress on February 18, 1970, said:

> This is not a political or military issue, but a matter of basic humanity. There may be disagreement about other aspects of this conflict, but there can be no disagreement on humane treatment for prisoners of war.

Many others in the Government have also spoken strongly on this subject. In testimony before the House Committee on Foreign Affairs last July, Secretary Rogers said:

> I think the position of the other side, certainly in terms of prisoners, is inhumane. It violates the Geneva Convention. By any human standard, it is totally inexcusable.

Ambassador Henry Cabot Lodge, who headed the U.S. delegation at the Paris peace talks in 1969, pressed the other side on this issue at virtually every plenary session of the talks.

International custom, the Geneva Convention, and humanitarian considerations all require that there be impartial inspection of the prisoner of war camps, a guarantee of a regular flow of mail to and from the prisoners, and a release of the sick and wounded on both sides. In addition, a minimum regard for the peace of mind of the prisoners' next of kin requires that a list of names of the prisoners be made available so that the next of kin at least know whether their relative is alive or dead.

Ambassador Philip C. Habib, present head of the U.S. delegation, has returned to this subject repeatedly. On December 30, 1969, he called attention to the other side's refusal to provide the information on all prisoners by handing them a list of the names of over 1,400 U.S. military personnel who are missing and possibly captured in Southeast Asia. In another statement devoted entirely to prisoners of war on February 5, 1970, Ambassador Habib said:

> The question of prisoners of war is not only a burning humanitarian question, but also a question of your solemn legal obligation. Its solution must not await an overall settlement of the political and military issues involved here. World opinion demands no less. We desire to engage in meaningful discussion of all prisoner-of-war questions with your side now. We await your serious response.

"If Hanoi wants to demonstrate to the world that these men are being treated humanely and are receiving proper medical treatment," Secretary of Defense Laird stated on June 6, 1969, "it must permit inspection of prisoner-of-war camps by impartial groups. It must release the names of all the men whom it holds, and it must permit a regular flow of mail to and from all these men."

Secretary of Defense Laird noted recently the special effort the U.S. has made to "lay the facts about these men before the tribunal of world opinion" in order to persuade Hanoi to observe the rules of the Geneva Convention, and to ease the ordeal of the wives and parents of missing servicemen.

Under Secretary of State Richardson has added: "It is hard to see what Hanoi hopes to gain by denying the prisoners the basic right to communicate with their families."

Newspapers in major cities of the world have also condemned North Vietnam's disregard of the Geneva Convention, and again I quote from the Department of State's Vietnam Information Notes No. 9, of April 1970:

Hanoi, which only too often talks about war crimes, is not willing to talk about war prisoners, the *Dusseldorf Handelsblatt* commented on June 16. "It is playing a cynical game with human misery. The North Vietnamese are obviously counting on extorting political concessions in this way from the United States."

Geneva's *Tribune de Genève stated*: "The blackmail is evident. Hanoi is speculating on the anguish of the prisoner's families, and on their country's humanitarian, sentiments, to extort a capitulation from President Nixon. This fashion of linking the fate of prisoners with the pursuit of war aims is not new, but it is nonetheless revolting and in flagrat contradiction of the spirit of the Geneva Convention.

The Paris *Le Figaro* observed: "This state of affairs is completely abnormal. The Government of North Vietnam in 1957 signed the Geneva Convention which defines the treatment that must be accorded to prisoners of war and combatants . . . It is inconceivable that a government which claims to fight for justice and liberty would violate rules that are designed to insure that a certain degree of humanity is respected for the well-being of those who have ceased being combatants."

Svenska Dagbladet, Stockholm, said on November 30, 1969: "There still might be hope to persuade North Vietnam to change its attitude (about the prisoners) . . . What would be more humanitarian than for North Vietnam to meet the wishes for some basic information about human lives? It is difficult to see what Hanoi would have to lose from such a gesture."

The *Japan Times* accused Hanoi of engaging in "a cruel sport with the feelings" of the familities and loved ones of Americans who know only that their men are "missing." Adding that "It would seem to us that the listing of the names of their prisoners would in no way affect the North Vietnamese war efforts," the Times concluded: "Their primary interest is to use not only the prisoners, but also their wives and families, for political purposes.

Oslo's *Morgenbladet* stated: "We consider the methods of North Vietnam utterly reprehensible. A nation which does not respect international agreements to which it is a party cannot be recognized as a worthy member of international society."

The International Conference of the Red Cross, the highest governing body of the Red Cross which meets every four years, has expressed its concern about the treatment of prisoners of war at its last two meetings. The 20th International Conference at Vienna in 1965 deplored the conduct of governments which, although parties to the Geneva Convention, have failed to honor the obligations they incurred when they acceded to the treaty. The conference adopted a resolution which called upon "all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949."

At its 21st International Conference at Istanbul in September 1969, attended by representatives of 77 governments and 91 Red Cross Societies, a resolution was adopted without dissent (114–0) appealing for humane treatment of prisoners of war in accordance with the Geneva Convention. Neither North Viet-Nam nor its Red Cross Society attended the conference, and the solemn appeals of the International Red Cross Conference appear to have fallen on deaf ears.

Thus far, North Viet-Nam and the NLF have failed to observe internationally recognized standards of humanitarian treatment for prisoners they hold. Hanoi's representative at Paris has said: "The question of captured American military personnel will be settled at the same time as all the other elements of the overall . . . solution. It cannot be separated." North Viet-Nam has repeatedly refused even to discuss the humanitarian aspects of prisoner treatment prior to the "complete and total withdrawal" of U.S. forces.

In these circumstances, it is important to set the record straight on the rights of prisoners of war and the policies of the parties to the conflict.

Mr. President, the United States has tried literally almost every avenue of approach to the POW problem.

One of the principal channels of approach has been the Paris talks.

The Paris negotiators are meeting again today, and the POW issue is almost sure to come up.

The last meeting in Paris was July 23, last Thursday. At that time Ambassador Habib called on the Communists to agree to an impartial outside inspection of POW camps and to supply a complete list of the prisoners held. He said "We want to discuss seriously the proper treatment and early release of POW's held by both sides."

The United States previously has made contacts with Hanoi through such countries as Cambodia, Sweden, the United Arab Republic—this was in the early part of the war—and others.

We have tried secret negotiations through other neutral countries—and these efforts are probably going on now.

At virtually every meeting in Paris the POW question is brought up by the United States.

On July 16 in Paris Habib said—this is almost an exact quote:

> The U.S. has made its position clear on this issue . . . "we have offered to discuss with you (the Hanoi representatives) these issues on a flexible basis without precondition." . . . That seems clear enough as to the attitude of our government.

And just a few days ago virtually the entire U.S. Senate sent a letter to Premier Pham Van Dong protesting "your side's refusal to adhere to basic humanitarian obligations concerning POW's."

That letter noted that while Senators have differed over certain policies of their Government on Southeast Asia, they are united on insisting that proper treatment be accorded POW's—and yet Hanoi continues to ignore such legitimate and reasonable demands, giving further doubt as to the seriousness of North Vietnam's intent in the Paris talks.

L. B. J. asked the Pope to intercede when L. B. J. visited him in 1967.

Diplomatic appeals have been made by our country through a number of international organizations such as the Red Cross, which has sought to deal with Hanoi on the question without success.

And many Members of Congress and individual U.S. citizens have sought to gain some response fom Hanoi.

We and the Republic of Vietnam—South Vietnam—have made clear to North Vietnam that we stand ready to negotiate this issue in good faith.

Mr. President, what is needed now is a renewed and concerted outpouring of rage at Hanoi's recalcitrance and intransigence, and its obstinate unwillingness to negotiate, to release information, or to abide by international agreements.

Every voice that can be raised in this country—by individuals and by organizations—should be raised. A mounting drumfire of criticism ought to be directed at Hanoi. Our Government ought to urge the government of every civilized nation on the globe to demand that North Vietnam act on this matter.

Hanoi, of course, does not want such action by us, since it apparently hopes to use the Americans it holds prisoner to wring concessions from our country. American opinion and world opinion should be thoroughly aroused against such diabolical inhumanity and cruelty.

South Vietnam has made releases of prisoners it holds on four occasions, the latest on July 11. On that date, 62 sick and injured North Vietnamese prisoners of war were released along with 24 North Vietnamese fishermen. Since Hanoi declines to accept repatriation of its nationals directly—apparently in a stubborn effort to perpetuate the fiction that it has no men fighting in the South—the prisoners were released in boats six miles offshore.

In all, nearly 200 prisoners have been released to North Vietnam by South Vietnam, and South Vietnam has released hundreds of Vietcong. In addition, the United States has repatriated 40 North Vietnamese in two groups by boat. By contrast, only nine Americans have been released to date by North Vietnam.

Mr. President, we should not give up in our efforts to get North Vietnam and the National Liberation Front to enter direct negotiations with the South Vietnamese for a mutual exchange of prisoners. On the contrary, we should redouble our efforts. South Vietnam holds more than 35,000 of the enemy, and surely a ratio of exchange between this number and the much smaller number of allied prisoners Hanoi holds could be worked out to the advantage of both sides.

The effort must be made. The Americans held in North Vietnam cannot be allowed to become the forgotten men of the war in Southeast Asia.

Constructive response by Hanoi in this respect could be a substantial step toward a restoration of peace.

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

Mr. BYRD of West Virginia. I yield.

Mr. MONTOYA. Mr. President, I commend my distinguished friend, the Senator from West Virginia, for again reasserting the concern of the American people. He is a very able spokesman in this respect. The distinguished Senator from West Virginia is one of the leaders of the U.S. Senate. The statement that he has made to the Senate indeed expresses the overwhelming sentiment and concern of the American people.

I certainly commend him for the completeness of his statement and the manner in which he has covered the vast landscape of concern on the part of the American people with respect to the treatment of our prisoners by the North Vietnamese.

Mr. President, upward of 1,500 Americans have fallen into the hands of the Communists in the course of our involvement in Vietnam. As of today we know almost nothing of their fate. A few names leak out. A few letters are delivered. A tantalizing glimpse or two is obtained. A picture is released to the press.

Yet, when we take a look at the entire picture, these 1,500 Americans have vanished from our sight, but never from our minds and hearts.

The treatment accorded these men is known to be more often than not painful, cruel, and inhumane. We hear of Americans confined to cages without decent diets or proper medical care. This violates all international agreements governing the treatment of prisoners of war, including the Geneva convention.

Further, by withholding minimum, pertinent information about them, which anxious families are desperate for, the Hanoi government is again in violation of all the aforementioned international agreements governing prisoner treatment.

There are children who have never seen their fathers. There are devoted wives who have roamed the world at their own expense, seeking out any representative of the Hanoi government for word of their loved ones. These gallant women have approached every known or identified intermediary, seeking information or an avenue for the release of their husbands. This is the overall picture which we have been forced to watch over past months.

It is heartrending and insufferable. Something can and must be done. It is unthinkable to let these men or their families even think for a moment that their country has forgotten them.

Mr. President, I believe that ill treatment of helpless human beings is inexcusable under any circumstances. I have opposed brutality toward prisoners of any kind, no matter where incarcerated. I have signed one letter of protest after another to the Government of North Vietnam protesting the obvious inhumane treatment of American prisoners. I denounce such treatment again today.

The indignation felt in this country crosses all party and ideological boundaries. Failure to release the names of prisoners is needless vindictiveness. Preventing wounded men from obtaining decent medical care is barbaric. Starving helpless men is inexcusable.

I call upon the Government of North Vietnam to forthwith release the names of all Americans held prisoner. I call upon that same Government to make available decent, humane treatment to all such prisoners. I call upon that Government to take advantage of any of the many offers we have made to negotiate the release of all or part of their number.

America will not abandon her sons. We never have. We never will. We are not going to make an exception in this case. The end of this war and our role in it will be considerably hastened by an understanding of our determination to obtain the release of all these young men.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from New Mexico. I appreciate his kind remarks and his contribution.

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

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I thank the Senator from West Virginia. I certainly commend him for bringing this very important matter to the attention of the Senate and of the country.

The Senator has very correctly said that the more than 1,400 American prisoners of war presently being held in Southeast Asia are truly beginning to be the forgotten men of this war.

I think also that the Senator has pointed out that to date North Vietnam has released only nine of the American prisoners of war. I believe that we have released nearly 250 prisoners. Are those figures correct?

Mr. BYRD of West Virginia. They are generally correct. I think the figure I have in my statement is about 200.

Mr. BROOKE. At any rate, the North Vietnamese have not released any sizable number of American prisoners of war. Some of these men have been held as prisoners of war for more than 4 years. That is perhaps longer than any prisoners have been held in any other war in the history of the Nation.

All of the suffering that is endured by the mothers and wives and children of these men—many of whom have never been heard from—is one of the great tragedies of the war. And I regret that this matter has not fully and truthfully come to the attention of the American people. It has not been presented as dramatically as it should. I think that all ought to know more about it. There ought to be far more concern about this matter.

The Senator from West Virginia has certainly done all he could and has kept the matter constantly before the Senate and the American people. I commend him for this effort.

Mr. President, I have been disturbed at the lack of coverage in the press. I think there was an article in Life magazine back sometime in 1966 on American prisoners in the Southeast Asian war. I also think that last Christmas there was some coverage regarding attempts to fly some gifts to the prisoners. But other than that, there has been no real discussion or documentary that I know of on any of the major networks about this tragic and deplorable conditions in which American prisoners are living in Southeast Asia.

I think that North Vietnam ought to be made constantly aware that we want those men returned, that they should not be held under the conditions in which they are held now.

We see people marching up and down the streets in the United States demonstrating over what is happening in South Vietnam. However, we do not see anyone marching in protest over what is happening to our men in North Vietnam.

I ask the distinguished Senator from West Virginia, who has certainly been here longer that I, if to his knowledge there has ever been any congressional investigation or hearing on the deplorable conditions of the prisoners in North Vietnam. We might have representatives from the various services come before a

congressional committee which would conduct hearings on this whole subject of American prisoners of war.

Mr. BYRD of West Virginia. I must say I do not know of any such hearings that have been conducted directly by this body on the subject of American prisoners of war.

Mr. BROOKE. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. Yes; I am glad to yield to the able Senator from Massachusetts.

Mr. BROOKE. Does the Senator think it would be a good idea that we might have a congressional hearing on the subject of American prisoners of war in Southeast Asia?

Mr. BYRD of West Virginia. I think it would be. I am not prepared to suggest what committee would conduct such a hearing. Conceivably, it could be the Committee on Foreign Relations. I would presume that some among the nine American prisoners of war who have been relased in the past could be heard. I think this would emphasize, highlight, and provide dramatic exposure to this question to which the Senator has alluded. I think it would perform a very necessary and important service because I believe Hanoi will listen to public opinion in the United States. I think it does listen to public opinion. I think it has hope that public opinion in the United States will bring about a cessation of the war to its own liking.

But entirely aside from that aspect of its listening to American public opinion, I think public opinion in the United States, if it were sharp and perpetual, could bring about a galvanizing of world opinion to the extent that world censure and condemnation would be brought down upon Hanoi; and I do not believe Hanoi would be entirely impervious to this kind of public censure and condemnation.

I think it would help to emphasize the plight of American POW's, create the kind of interest that is necessary, and help to remind the American people and other peoples of the world regarding those forgotten POW's who are languishing in North Vietnamese prisons in Southeast Asia.

Mr. BROOKE. I wholeheartedly agree with the Senator. It has often been said in this Chamber that Hanoi listens to every word that is said in the Senate, and the House of Representatives, as well. Certainly, if we had an aroused Congress that was constantly and, as the Senator said, perpetually letting Hanoi know how strong we feel about the return of these 1,400 American prisoners it would be bound to have some impact and expedite the return of these men to their families. I have talked to many of the members of the families of prisoners of war, as has the distinguished Senator from West Virginia. They are truly living tragic lives. In most instances they do not hear from them at all; in some instances where they do hear they obviously are just getting a form letter which means very little to them. They do not know what conditions the prisoners are living under, what they are exposed to, the conditions of health of the prisoners, or even of their sanity at the present time. They do not know whether their letters are getting to them, and it has been very tragic.

Some of these wives have had to go to Paris and to other places to see if they could talk to diplomats of the North Vietnamese Government in an effort to get prisoners returned to the United States.

It seems to me that it would be a good idea to have a congressional hearing, at which time we could have some of the wives, children, and members of the families appear. I think the military services of our Government, the Army, the Navy, and the Air Force have unique knowledge to which they could testify before such a committee. I think it would not only dramatize the situation but also make the American people well aware so that Hanoi would feel the pressure of this Government and its people and return these prisoners to their families in the United States.

I do not know what procedure we might go through, but I do think the Senator certainly has made a very great contribution by bringing up this matter. Perhaps hearings might be held before the Committee on Foreign Relations, or perhaps it might be the Committee on Armed Services, the committee of which I am a member. I do not know what other committee it might be. Our distinguished majority leader is in the Chamber. Perhaps he could give us some direction. But I am sure some committee would have jurisdiction over such a hearing in the Senate so that we could begin to really apply all the power and pressure at our command to alleviate this very tragic situation which has existed far too long, and help to return these men to their families.

Mr. BYRD of West Virginia. I thank the able Senator. For that matter, with respect to committee hearings, a special committee could be established for this purpose only.

I particularly like the suggestion offered by the able Senator with respect to television documentaries. These documentaries have performed great services to the Nation in the past. We have seen hour-long documentaries on many subjects. It would seem to me that this would be an excellent way of reminding our own people of these men who, while they are out of sight, regrettably are also, all too often, out of mind.

I would hope that out of this discussion today perhaps there would come some action on the part of the media to present such a documentary to the people in the near future.

Mr. BROOKE. I think the able Senator would join me in publicly calling upon NBC, CBS, and ABC to produce a television documentary on prisoners of war. It has not been done, at least to our knowledge. If we are wrong, certainly the networks will correct us.

I agree with the Senator from West Virginia that the news media has performed a great service in the past on a variety of subjects. I know whenever there is a riot there are always documentaries. I know they try to provide the news equitably and fairly, and that they try to use great pressure of the media to alleviate any horrible conditions within the country and around the world.

But I believe that there are no more deplorable conditions than the conditions in which these men and their families are required to live. Perhaps 1,400 men is not many when one is talking about millions and millions of people. But if one's family were involved, it would not be thought of as a minority problem but rather a great majority problem. In many ways it is worse than death to be a prisoner of war.

Mr. BYRD of West Virginia. Yes.

Mr. BROOKE. Let us hope the media will respond to the call, that we might have such a documentary. In addition, I encourage the proper committee of the Senate to conduct hearings on this whole question of prisoners of war.

I thank the Senator for yielding.

Mr. BYRD of West Virginia. I thank the Senator, and I join with him in the expression of the hope that the media will pursue this matter as suggested.

Mr. GRAVEL. Mr. President, will the Senator yield so that I might pursue a thought along this same line?

Mr. BYRD of West Virginia. I yield.

Mr. GRAVEL. Would it be possible—and I think this goes along with the point the Senator enunciated so well about galvanizing public opinion in this country and public opinion throughout the world—to have a resolution from this body requesting the administration to seek a hearing before a committee of the United Nations to make an investigation of the treatment of prisoners of war in North and South Vietnam? There is no question in my mind that North Vietnam has used the prisoner of war issue as a tool of war and this, of course, has enured to the hardship of the individuals in question. What would be the Senator's thought as to the possibility of requesting something from the United Nations which would give us a larger audience and platform to galvanize attention?

Mr. BYRD of West Virginia. I think the suggestion merits consideration on our part with respect to any such resolution. I believe that the administration is making every effort it can to get through to Hanoi and to bring about some way whereby these prisoners may be heard from, identified, and those sick and wounded repatriated. But I think the Senator has made a good suggestion, and we should give it study.

Mr. GRAVEL. The Geneva accord on prisoners of war recognizes that identification is the minimal amount of treatment to be accomplished and, of course, North Vietnam has not done this.

Mr. BYRD of West Virginia. That is correct.

Mr. GRAVEL. I think the Senator is performing a valuable service, because many times the advocates or the people who are foremost in the effort to end the war, in a somewhat unilateral fashion, with which I occasionally associate myself, lose sight of the fact that, indirectly emphasize what they think we are doing which is wrong, but oftentimes, overlook the other side of the argument, that which is wrong being done on the other side. I think the American press has

glorified or "spectacularized" the activities of treatment of prisoners of war in South Vietnam and has avoided information on the more subtle and diabolical treatment of prisoners by North Vietnam in the perpetration of the war.

Mr. BYRD of West Virginia. If the Senator will permit an interruption, I feel that the fault is not in our stars, but in ourselves, because both Houses of Congress have expressed themselves, and rightly so, on the treatment of prisoners by South Vietnam. I think now we should try to balance the picture and express our own equally indignant feeling with respect to the treatment of our men who have been held in North Vietnam, as well as prisoners held in South Vietnam by the South Vietnamese.

Mr. GRAVEL. I thank the Senator for his noble service in this effort, and I thank him for yielding.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. FANNIN. Mr. President, the distinguished Senator from West Virginia is to be highly commended for his statement of great concern over what is happening to our men who are prisoners in North Vietnam. He has been working on this matter for some time, and I commend him for the actions he has taken. I certainly agree with what he is doing to bring the matter before the American people, and am very pleased to concur with his statement, which illustrates just what is involved.

Mr. President, almost daily we receive disgraceful illustrations of the tragedies involved in the treatment of our war prisoners in North Vietnam.

I would like to read an excerpt from a letter from Lt. Peter C. Kirn of La Jolla, Calif.:

> In the winter of 1969–1970 an Air Force two-place aircraft, Call sign Boxer 22, was shot down in Laos. After an extensive rescue effort, one crewman was recovered, and related to us his adventure.
>
> He stated that the North Vietnamese found his pilot hanging in a tree, gathered around him, and shot him as he hung in his chute. Other material could be obtained from the Air Force Rescue units who have seen American aviators nailed to trees with Geneva Convention cards nailed to their foreheads.
>
> Other aviators have been found skinned alive and left to die. These more vivid examples of POW treatment are found in Laos, where even less is heard of prisoners than from North Vietnam.

I think this illustrates again what the distinguished Senator from West Virginia has been talking about.

Mr. President, no greater example could be given of the flagrant disregard the Communists have shown the Geneva accords. Their cruel and inhuman treatment of prisoners continues.

There is no international inspection of their treatment of American prisoners of war, virtually no mail, and no response in most instances to sorrowful inquiries.

Wives of missing servicemen have knocked at the doors of their emissaries in various foreign capitals and for the most part draw only stony silence.

Few of the approximately 1,500 Americans believed to be held as prisoners have been released, and maximum propaganda efforts are made of those few released.

If the North Vietnamese and Vietcong are as full of the milk of human kindness as they would have the world believe, I am sure, Mr. President, they would want the full proof before the world.

Incredibly, there are those in this Nation who are willing sources to harrass the families of our missing servicemen, or further the propaganda barrage from Hanoi.

Radio tapes have been utilized to hurt the morale of our fighting men and the families of prisoners. Word that is received comes from and through the propaganda sources.

The flow of mail from American prisoners is virtually nonexistent.

Some of our Americans have been held in such inhuman captivity for as long as 5 years.

On the floor under the rotunda of our Capitol there are two dramatic exhibits of this treatment.

One exhibit shows the narrow confinement to which prisoners are subjected in tiny bamboo cages, where they are forced to remain in cramped positions and subject to the elements. Prisoners also may be subjected to earthen pit imprisonment without sanitary facilities. They are living an animal existence.

We can be proud of the fact, Mr. President, that a letter was signed by nearly all Members of the Senate addressed to the leaders in Hanoi, urging honest concern in the treatment of prisoners of war and observance of international rules.

Such concern should be shown by a united Senate and by a united America, and an aroused world opinion.

There is no excuse for any nation in this world for conducting itself other than as a member of the human race.

Mr. President, no stone should be left unturned to stop this inhuman treatment of our courageous men who are fighting for the freedom of the people of the small nation of South Vietnam being subjected to the tyranny of this terrible aggressor.

So I again commend the distinguished Senator for his statement and for what he has been doing. I am sure that he will receive the support of this body and the other body, and that we will have a greater recognition, because of his efforts, of just what is involved in this inhuman treatment of American prisoners.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his statement. I am glad that he called attention to the very stark and impressive display in the Capitol, on the first floor beneath the rotunda. I would hope that every American visiting the Capitol could stop, if but just for a moment, and see that display. It should remind every tourist—every man, woman, and child—of the cruelty daily visited upon American prisoners of war in some faraway part of Southeast Asia.

Mr. STENNIS. Mr. Prsident, I shall be very brief, but I want to commend heartily the Senator from West Virginia as well as other Senators who have been so concerned and have done so much work with reference to this highly important matter—which I say is highly important even apart from the welfare of the individuals concerned, because I believe that the treatment of these prisoners has done more than any other one thing to bring this war to the attention, and the favorable attention, of civilized mankind everywhere. I appreciate very much the substance of what the Senator has said, and his genuine interest.

I wish to make two points, quite briefly. Hanci can argue about the war from their viewpoint; they can argue their side of it, and that is only natural. But they cannot explain away nor give any reason or excuse for the mistreatment of prisoners of war. That is a message that neither they nor any other nation can get across. The facts that are true here with reference to the treatment of these prisoners no nation could convince others in civilized countries are justified or excusable, or to be overlooked or excused in any way—especially when perpetrated by a nation which has signed the Geneva Convention, as North Vietnam did in June of 1957.

That is fairly recently. They cannot excuse themselves by saying that this is not a declared war. Everyone knows it is a war. I think that long after the reasons for this war have passed from human memory, there will still be remembered here, against North Vietnam, the way that they treated men who were helpless, in a helpless condition so far as resisting doing anything about it.

Mr. BYRD of West Virginia. And it should always be remembered.

Mr. STENNIS. Yes; it will be. We have ideas in our memory that will never be erased, implanted not only by this occasion, but implanted in our memory before with reference to other nations.

The other point I want to make is that these men in captivity nevertheless, helpless as they are, are serving their Nation in this war.

Mr. BYRD of West Virginia. And all they have from day to day upon which to live is hope and faith that the American people are not going to forget them and let them down.

Mr. STENNIS. Very well said, indeed.

Although they are prisoners and are physically helpless, as they generate willpower and keep up their courage, they stand before the world as a symbol of sacrifice and dedication; and that is a tremendous contribution to our cause and to our side of the war.

Although their situation is not desirable at all, I think that in many ways many of them are undoubtedly contributing more in the way they are carrying on as prisoners against these conditions than they could have in other ways which were more active.

So I commend them and their wonderful families—I know that we have them in Mississippi—for the way they have stood up and the way they have responded.

Secretary Laird was there, and we met with someone representing every one of these prisoners. I have never been more elevated or encouraged than by that experience.

Again, I thank the Senator and commend him highly.

Mr. BYRD of West Virginia. I thank the able chairman of the Committee on Armed Services.

I yield to the Senator from Kansas.

Mr. DOLE. I thank the Senator for yielding.

In ancient Greece, a philosopher was once asked:

When will justice come to Athens?

He replied:

Justice will never come to Athens until those who are not injured start to become as indignant as those who are injured.

I believe this is the story of the American prisoner of war and the American missing in action.

Mr. President, the plight of American servicemen being held captive by the North Vietnamese and the Vietcong and of those who are missing in action in Southeast Asia has received widespread attention in recent months. Publicity for these men has generated by numerous individuals and organizations. The chief goals have been that these brave men shall not be forgotten at home and that increased public awareness of their situation will increase the pressure on their captors to provide evidence of humane treatment under standards of international law.

I am proud to note that the Senate has been one of the most important sources of publicity and pressure on behalf of POW's and MIA's. On a collective basis and through the efforts of individual Senators, a continuing flow of information has come from this body through statements, debates, and projects undertaken by Members.

I wish to take this occasion to report on the status of one attempt to stimulate a response by the North Vietnamese to American concern for captive and missing servicemen. On July 13, a letter signed by 89 Senators was sent to the Premier of North Vietnam, Pham Van Dong. It expressed the vigorous and deeply felt conviction that Americans must be accorded the humanitarian treatment to which they are entitled. The letter was sent by registered mail, and a notifying telegram preceded it. To date no reply of any sort has been received.

This absence of any response is unfortunate. It was hoped that a letter from so many Members of this body and representing such a broad spectrum of political philosophies might stimulate some meaningful response from North Vietnam.

While a response has not been forthcoming, we are still hopeful that the North Vietnamese, either through their government in Hanoi or their delegation to the Paris peace negotiations, will at least acknowledge receipt of the letter.

It may be that the resumption of the Paris talks, with Ambassador Bruce at the head of our delegation, will bring this response. We all earnestly hope that Ambassador Bruce will be able to achieve a complete agreement on the end of hostilities and restoration of peace. Of course, such a settlement would include as a major element the release of all Americans being held, whether their status is officially acknowledged or not.

For the time being, however, we in the Senate, as well as concerned Americans everywhere, must continue to press North Vietnam and the Vietcong both for information detained and missing American servicemen and for assurances that they are being treated in accordance with the standards of international law and basic humanitarian principles.

On May 1 of this year, in historic Constitution Hall, we had a gathering of some 4,000 Americans. The event was designated "Appeal for International Justice." Many outstanding Americans were there, including the present occupant of the chair, the Vice President of the United States. On that evening, the Vice President made the following statement:

Let me say here tonight—we shall never forget those men and we shall never forget how they have been treated.

The Vice President meant those words. And on July 16 of this year, the Vice President made a very generous contribution to the National League of Families of American Prisoners and Americans Missing in Action in Southeast Asia.

So there is a commitment by the leaders of this great country. There is a commitment by Members of the Senate, regardless of views on the war in Vietnam. There is a commitment and there is unanimity with reference to the American prisoners of war and Americans missing in action.

Also on the program on May 1 at Constitution Hall was Mrs. James Mulligan, the wife of an American prisoner of war, who made perhaps the most moving appeal I have heard with reference to American prisoners of war and Americans missing in action. In her closing remarks, she said:

Do not turn your back on the hundreds of mothers who want their sons returned. Do not ignore the children who cry out for the love and guidance of their fathers and the hundreds of wives who have grieved for years, some for husbands who will never return! Hear our call of distress and the cry from within the walls of the prison camps—May Day, May Day!!! Help. Please Help!

We also heard from a man who had been a prisoner of war, Lt. Robert E. Frishman, who made an eloquent plea when he said:

No matter what your political conviction, whether you think we should pull out of Vietnam today or bomb Hanoi tomorrow, we can all support humane treatment for prisoners of war. For these men were given a job to do by their country, and did it to the best of their ability.

Mr. President, I commend the distinguished Senator from West Virginia, who has had a long and continuing interest in the fate of American prisoners of war and Americans missing in action.

It was suggested earlier today that perhaps we should have a special committee hearing or a special investigation. I know the wives and mothers and children are suggesting to the leaders in both parties that perhaps there should be a joint session of Congress. This would dramatize the problem to many Americans who fail to understand the plight of American prisoners and Americans missing in action.

I share the view expressed by the Senator from West Virginia. It is unfortunate, it is tragic, that some who demonstrate and criticize our country, and our allies, cannot find it in their hearts to concern themselves with the Americans who have been prisoners of war or have been missing in action for 1 year, 2 years, 3 years, and in some cases 5 years.

Let me say that the undaunted spirit of the mothers, the wives, and the children continues. Just recently, within a stone's throw of the New Senate Office Building, the National League of Families of American Prisoners and Americans Missing in Action in Southeast Asia opened an office in the Reserve Officers Association Building. It is staffed by volunteers, by mothers, young wives, and children of these brave Americans, rich and poor, black and white, who serve their country.

We have a continuing obligation, a daily obligation, to demand humane treatment for American prisoners of war and Americans missing in action. It has been pointed out that they are a small group, less than 1,600. But, as the Senator from West Virginia has so clearly illustrated, they have been mistreated, they have been murdered, they have been tortured, they have been treated like animals; and I do not believe we can condemn the Government of North Vietnam or the Vietcong too harshly for the treatment of American prisoners of war and Americans missing in action.

Again, I find it hard to understand that the American conscience can be triggered by alleged mistreatment by the South Vietnamese of some prisoners—and I do not condone this. We should observe humane standards, and our allies should observe humane standards. But I sometimes wonder what it takes to trigger the American conscience on behalf of our own American prisoners of war and Americans missing in action. What does it take to demonstrate to Americans that we all have a stake in their return, and their freedom, and their rehabilitation? Regardless of our views on Southeast Asia, regardless of our views on South Vietnam or Cambodia or Laos or Thailand, we can have no difference of opinion on this vital issue.

I commend the Vice President of the United States for his efforts on behalf of American prisoners of war and their families and Americans missing in action and their families. I commend the Senator from West Virginia for his continuing leadership. I commend the President of the United States and Secretary Laird, Members of Congress of both parties, the leadership in both parties, because it is a firm indication that we understand our obligation and are attempting, in the best way we can, to bring about some justice for these brave Americans. I thank the Senator from West Virginia for yielding.

Mr. BYRD of West Virginia. I thank the Senator from Kansas for his excellent statement. He has expressed concern prior to this date on many occasions and I know that he will continue in his expressions of concern with regard to our brave American prisoners of war.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I am happy to yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, first, I commend the distinguished Senator from West Virginia for the vast amount of work which he has done on this subject prior to his speech on the Senate floor today, and for presenting it so ably. I associate myself with all the things he has presented and said, along with all my other colleagues who have expressed themselves on the subject.

Mr. President, the subject of our American prisoners of war and Americans missing in action is one that is sickening and distressing to every human being, to know of the treatment they are receiving from a nation which cannot be classified, in my opinion, as being civilized, because civilized people do not treat prisoners of war, or anyone else, the way they are being treated.

As chairman of the Committee on Rules and Administration, of which the distinguished Senator from West Virginia is a member, I joined the Speaker of the House of Representatives in placing the exhibit in the Capitol depicting prisoner-of-war treatment, which we believe to be authentic. This exhibit was placed there solely for the purpose of letting the American people see for themselves the terrible conditions under which our prisoners are being kept and tortured.

Mr. BYRD of West Virginia. And, if I may interject there, the distinguished Senator from North Carolina performed a great service, may I say.

Mr. JORDAN of North Carolina. I thank the Senator very much.

We hope the exhibit will arouse public opinion to the extent that the whole world will know what is going on.

I hope very much that the press will carry in its entirety this discussion on the Senate floor today, and will send it out to all the world, so that it will arouse the indignation of every civilized country to the point where the people in Hanoi will not be able to hold up their heads and claim that they are civilized when they have so patently departed from the Geneva convention—in fact, they have never adopted it or done anything about it except merely to sign it.

In my opinion, no human being can hold up his head and declare that he is a citizen of any country when he knows his country is mistreating and torturing prisoners of war.

Mr. President, the distinguished Senator from Kansas (Mr. DOLE) spoke about the National League of Families of American Prisoners and Americans Missing in Action in Southeast Asia. I was there the night the league was opened. They are doing a great service in bringing this to the attention of the American people and the world.

I want the Senator from West Virginia to know that I am exceedingly grateful for the fine job he is doing, and associate myself with any movement which can help to bring those boys back home as early as possible. We all want to get the war over with, of course, but we want those boys home just as quickly as possible, and I want to do my part.

Mr. BYRD of West Virginia. I thank the Senator from North Carolina very much for his earnest statement.

Mr. President, there are other Senators who wish to speak on this subject and I ask unanimous consent that I may be permitted to proceed for an additional 30 minutes.

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

Mr. BYRD of West Virginia. Mr. President, I now yield to the Senator from Florida (Mr. GURNEY).

Mr. GURNEY. Mr. President, I join others of my colleagues here this morning in commending and congratulating the distinguished Senator from West Virginia (Mr. BYRD) for bringing this prisoner of war situation to the attention of the Senate once more and, hopefully, to the attention of the country and the world.

Let me say that there is no language strong enough with which to censure or condemn the North Vietnamese Government, the masters of Hanoi, for the cruel and inhuman treatment they have given our American prisoners of war. I doubt whether there is a parallel incident, certainly in modern history, where nations have been engaged in warfare, where prisoners of war have received the treatment that our soldiers, sailors, and airmen have received at the hands of the North Vietnamese Government.

Apart from the individual servicemen themselves, the families here at home in many cases do not even know whether their loved ones are indeed prisoners of war at all or alive at all, much less hearing from them or knowing what sort of treatment they are receiving.

The thought occurred to me there is a strange and ironic contrast between the coverage accorded by the media to two recent prison stories: I am thinking of the Con Son prison story which has preoccupied television commentators and newspaper editorialists for the last 3 weeks and the coverage—or should I say the lack of coverage—of American prisoners of war held by Hanoi.

By American standards, the conditions in South Vietnam's Con Son prison were abominable. By Asian standards, I suppose they were not uncommon. What is significant about the Con Son story is that after attention was focused on the offending conditions, the Government of South Vietnam took steps to correct them. To put Con Son in perspective, I think it is well to remember that even before the visit of the House subcommittee to Con Son, inspection teams from the International Red Cross visited and inspected that prison twice last year. Their reports, while not glowing, certainly did not paint as gruesome a picture as we received from our television networks here at home. Their reports noted that the prisoners were not political prisoners, but were, in fact, persons found guilty of crimes of violence and other criminal acts.

Americans were nevertheless outraged by the stories of men in cages and men forced to exist in cramped and apparently disgusting quarters. This outrage, on the part of Americans, even if we presume that it was artifically generated, speaks well of the compassion and decency and concern of Americans for suffering humanity anywhere.

But where, we should properly ask, is concern as intense or as fervent, demonstrated for American servicemen held captive by Hanoi? In the press? I do not think so. On television? Certainly not.

Do we hear expressions of outrage from network television commentators for American men imprisoned by Hanoi? I have not heard any.

Earlier this year, H. Ross Perot brought to Washington and exhibited here, cages similar to those in which American servicemen have been and are being kept in North Vietnam. Do we hear voices raised to protest this outrage? We do not. As a matter of fact, for his trouble, this good and decent man, Perot, was caricatured in some of the press as some sort of sensation seeker, some officious intermeddler. Instead of praise for his efforts, he was dismissed as some sort of crank or busybody.

On May 1, several of our distinguished colleagues gathered in Constitution Hall with the families of some of our POW's—Senator DOLE, Senator STENNIS, Congressman TEAGUE, and many others. The purpose was to focus public attention on the POW problem, the plight of our young men in North Vietnamese hands. I regret to tell the Senate what we already know—that the press coverage of this event was perfunctory and minimal. Some hippie rallies in support of legalized marihuana or to protest the erection of a bridge across the Potomac, have received more coverage in the pages of the Washington Post, that incredibly self-righteous journal, than this deplorable situation involving our prisoners of war.

Last year the League of Families of American Prisoners Southeast Asia was formed to mobilize public sentiment and to beg for public help. It has not gotten the public help it deserves, or the recognition, or coverage, or publicity it needs to carry on its work.

This organization which is made up of splendid people—good, decent people who only want to get their men back—has not received—in its year of existence—1 percent of the coverage or attention Con Son has received in the last 3 weeks.

The logical question is why? Why is the public seemingly so unconcerned about our prisoners in Hanoi? It is not, I suggest, because Americans are callous or indifferent or unsympathetic. It is because they are uninformed about the problem. Candidly, some of the responsibility for this sorry state of affairs is ours. We in public life perhaps have not pointed out sufficiently this terrible thing that is going on in the prisoner-of-war camps in Hanoi. That is why I think the Senator from West Virginia is to be commended again for bringing this matter to our attention once more in the Senate. I think it is our duty to delineate the public issues, to give them priority and say: "This set of facts is important, and that set of facts is trivial." Too often, we have emphasized the accidental issues—to the neglect and to the exclusion of the essential considerations.

The question of the treatment of, and the ultimate fate of, American military personnel in the hands of the enemy is an essential question; it demands public attention. That demand is pressing and immediate.

At this point, Mr. President, I ask unanimous consent to include in the RECORD an article on the American prisoners of war by Priscilla L. Buckley, which appeared in the National Review for July 28, 1970.

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

PRISONERS OF WAR: THEY ALSO SERVE

(By Priscilla L. Buckley)

I'm Mrs. William Schuddy, she said over the phone. She and two friends were in town for a couple of days making the rounds and they'd like to see my brother, or me, or anyone I'd designate on the staff. "My husband's been a prisoner in North Vietnam for five years," she explained, "and we're organizing to do something about it," because, she didn't add, it doesn't look as is any one else will.

I don't know what I expected. Middle-aged women, I suppose, emotional, pent-up, driven. But the three who came in the door were, well, kids. Bright, attractive, with that clean tanned outdoor look of so many young American women. Attractive, and determined.

Jane Schuddy made the introductions. Kathy Plowman, a pretty dark intense girl, very thin, "her husband's been missing in action three years." The blonde on the other side, with a gamin haircut and the big smile is Candy Parish. "Her husband's been missing in action for two years." MIA—Missing In Action. That means that there has been no official word since their planes went down. Candy has this to go on. The backup flier in her husband's plane *is* in a North Vietnamese prison camp; his wife has heard from him. But he hasn't mentioned Chuck Parish. Candy smiles, all but apologizes. "I've built a lot on a little," she says. The other flier has occasionally used "we'all" in his letters—"but then he's a Southerner." Could that "we'all," so casually dropped in a letter, mean that Chuck Parish is alive? Candy doesn't know. Kathy Plowman's straw is this. A couple of weeks after her Navy husband's plane disappeared, two Americans were spotted and their descriptions tally pretty well with the description of James Plowman and his pilot. Two of the nine prisoners who have been released have mentioned Buzz Ellison. Buzz Ellison was James Plowman's pilot. She wants to explain a little more fully why she, too, continues to hope. There was this other woman. Just a few weeks ago she heard from her husband: He'd been missing four and a half years. All that time she's been writing him—writing into the void. In that first letter to her, he asks how the child is. Kathy wants to make sure I get it. *Child*, not *son* or *daughter*. The wife was pregnant when he was shot down. He assumes a child was born. But when he doesn't say boy or girl, mention a name, she knows that all those letters, over all those years, addressed to Central Post Office, Hanoi, have been held up or destroyed. Why did they decide to let him write at all? And why now?

The women have an answer. Because of the pressure they and other men and women like them have brought to bear. Because of the publicity they're giving to the issue. And they trot out the figures. There are 1,586 men missing in action in North and South Vietnam and Laos (no one has heard anything from any man missing in the South or in Laos so for the moment we won't count them). About eight hundred of the missing men are fliers, shot down over the North. In the five years from 1965 to 1969, six hundred letters had come out from 115 men; in the six months between December 1969 and June 1970—after the families started agitating—1,200 letters have been received from 320 men. And they mention something else. A year or more ago, in November 1968, Hanoi announced that it would, as a humanitarian gesture, release three prisoners to a delegation of peaceniks headed by Rennie Davis and Dave Dellinger. And they did. They set free three Americans, none of whom had been in their hands more than six months, all of whom were in good shape. When Secretary Laird, last May, devoted an entire speech to the prisoner issue, Hanoi's response was to allow six Americans (one of them Admiral McCain's son—it was the first word he received that his son was alive) to broadcast messages that they were alive and well. In addition, Hanoi freed another three prisoners. This time, because Hanoi wanted to wring the greatest possible credit internationally from the gesture, it freed men who had been in prison two or more years, men in need of medical care. They, too, were released to a peace delegation.

What about the peaceniks and their efforts on behalf of the prisoners? I asked. I had read that some women had refused to accept mail from their husbands which the peaceniks had brought out rather than go along with demands that they join the end-the-war propaganda campaign.

Kathy doesn't buy it. We can't, she says. "We'll grab at any straw." If they have to work through the Dellingers & Haydens & Weisses they will. Candy, who was one of the wives who went to Paris last year to plead with the Vietnamese delegation for news of their husbands, comments that when they asked North Vietnamese delegate Xuan Oanh what they could do to help, he told them to work with Dr. Spock and Women Strike for Peace. "We dropped that right there," she says. She adds that Xuan Oanh was the only delegate who would see them at all and that he was very kind, very sympathetic. He hasn't been heard from since. He's not in Paris. Candy muses, "You don't suppose they've sent him down the Ho Chi Minh Trail?" The others are amused. They've heard it before but still it's fun. Anyway, they tell me, Hanoi's position is that all American prisoners in its camps *are* allowed to write one letter a month to their families and the reason the wives and parents aren't getting the letters is that, what else, the Central Intelligence Agency doesn't want the letters delivered and intercepts them. Jane explains further. "We address our mail to the prisoners care of Central Post Office, Hanoi. They obviously think that all mail to the States goes through a Central Post Office, Washington, D.C."

Hanoi, they say, is big on gestures and pronouncements. But, all told over the years, it has released only nine Americans, in groups of three and always to the custody of American peaceniks. It has never given out anything like a complete list of its prisoners. It gives out the news in dribs and drabs to suit its own purposes. Examples: Hanoi did respond to an appeal by Swedish Prime Minister Palme. It gave him a list—the first and only official list incidentally. And it contained fourteen names—only two of which are new. A list published by Chicago Veterans for Peace last November had "dated" information according to the Pentagon. Two of the seven photographs were of men who had been released a year earlier. A second list released that same week had only one new name. Last Christmas, Women Strike for Peace, with great fanfare, published a list of 141 names it had brought back from Hanoi. Most of them were repeats, very few were new. Jane interjects: "Bill's name is on all those lists. I wish it weren't. I wish some other women could know what happened to her husband." A fortnight ago there was a big flurry. Cora Weiss, of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, brought out a list of 334 names. Hanoi radio announced that this was the list of all the men it had in its prison camps—complete and final. But the United States knows of 376 men that North Vietnam holds or has held. This latest list like so many in the past was, according to a Pentagon spokesman, "inaccurate, incomplete, from unofficial sources." He added: "There are no names on the list that are new to us."

The prisoners are an asset to Hanoi, says Kathy. North Vietnam can dole out the names, allow more letters out, let parcels and letters in, for its own propagandistic purposes, when it wants to and how it wants to. "We've got to change that. We've got to put so much pressure on them that these prisoners will become a liability to the North." That's what the National League of Families of American Prisoners is all about.

What about H. Ross Perot? He's the Texas multimillionaire who flew a planeload of food parcels, Christmas gifts, medical supplies and letters to Laos last Christmas hoping to be allowed to deliver them to American prisoners of war in North Vietnam. Which he never got to do. Candy and Kathy and Jane think Perot is great. He's got no personal axe to grind. But he did something that dramatized the situation. They tell this story about that abortive mission of his.

In Vientiane, the Laotian capital, North Vietnamese delegates threw back at Perot the charge that prisoners of the "army of national liberation"—technically Hanoi continues not to acknowledge that Northerners are fighting in the South—were being mistreated in South Vietnamese POW camps. Perot flew to Saigon. He enlisted the cooperation of newsmen, of photographers, of TV camera crews and of the U.S. and South Vietnamese authorities. His group toured the POW camps. They took pictures, stills and movies. They talked to the prisoners. They collected thousands of letters from them for their families back North. Back to Vientiane. The North Vietnamese refused to look at evidence. They wouldn't accept the pictures. And Perot wouldn't hand over the letters. The prisoners had told him to deliver them to their families if he could but by no means entrust them to North Vietnamese authorities or even to Central Post Office Hanoi. They feared reprisals against their families.

Once a man sets forth down the Ho Chi Minh Trail he is gone, finished—he might as well be vaporized—so far as his family in the North is concerned. It is a one-way street. Nothing comes back up the trail by way of news. No R&Rs for Hanoi's soldiers; no one-year tours in the war zone. The soldier, if he survives, will not return home until the battle has been won and South Vietnam conquered.

Every week American and South Vietnamese authorities file a report, as required by the Geneva Convention, with the International Red Cross in Geneva giving in all the required detail the names, condition and place of incarceration of captured North Vietnamese troops. That list is there in Geneva and available. Hanoi has never consulted it. North Vietnam's Candys and Kathys and Janes could know what has happened to their husbands and brothers and sons; could know if they are in prison, if they have been wounded, how they are now, whether or not they are dead. But that might get in the way of the Communist wave of the future Ho and his successors are planning for Indochina it might indicate the dimensions of the losses suffered by North Vietnam in the South. So there will be no letters home, no lists of dead and wounded, no information. Just the memory of the heroic soldier in the army of national liberation fighting to the death against the yankee imperialists and their corrupt lackeys in Saigon.

Most of the letters by those abandoned North Vietnamese POWs lie in sacks in warehouses today; the pictures are going brown around the edges. A few can be seen right now in an exhibit mounted and paid for by Perot in the crypt of the Capitol in Washing-

ton. They show Northern prisoners in the Southern camps; they also show a few pictures of American prisoners in the North.

A man in a cage.

"I know they kept them in cages, and about the cockroaches and the rats," Candy says. "But I didn't know, before I saw those pictures, that they were fastened down. Lying on their backs, with their legs and arms fettered. . . . Lots of them have dysentery. . . ."

Janie adds: "In some places they just dig holes in the ground and drop them in. They throw food down to them, and let them live there in their own waste."

They mention these facts with very little emotion. But then these are the kind of facts they've been living with for five, three, two years.

What worries them now is Vietnamization.

American troop withdrawals continue, South Vietnam takes over more and more of the actual fighting. Eventually our troop presence is skeletal. The fighting continues in desultory fashion, on a hit-and-run raid level. There's no formal armistice or peace treaty. Just the de-escalation. That's what everyone is hoping for from Richard Nixon on down. That's the way everyone would like to see the scenario run out. But Hanoi has said it won't release its American prisoners until every last American soldier is out of the country. No strategic projection as of now calls for that. So will their husbands—at any rate Janie's—have their misery prolonged?

The senators—they've talked to lots of them, too—tell the wives that of course the Americans will be released when the withdrawal is completed. Why would Hanoi want to keep the prisoners at that time?

But the families don't believe in Hanoi's goodwill. They know that even though an armistice was signed at Panmunjom, North Korea failed to account for 389 Americans who had had one time or another been known to be prisoners. The families of those prisoners of an earlier war against a Communist foe in Asia—nearly twenty years later—still have heard nothing.

But back to Hanoi. Will a government that, as a matter of politics, withholds information from its own people about their own men, its soldiers, will such a government suddenly throw wide its prison gates unless it is forced to do so? They don't believe it. There's no reason they should from their very own, very personal, very bitter experiences with the Reds.

"The prisoners will never be released until we can make them a liability to Hanoi," Candy insists.

They get up to leave. Janie mentions that she expects there'll be a letter from Bill in her mailbox when she gets home to Virginia Beach. Nancy Rubin, Jerry's wife, is just back from Hanoi and Moscow, and she brought out 143 letters. She posted them yesterday, according to a newspaper story Janie read. One could be from Bill.

They walk out, three slim, determined fighting wives whose husbands, dead or alive, have cause to be proud of them. The door swings shut. You stand there a moment just thinking about them. And suddenly you realize with a start that they, too, are members of the Now Generation.

Mr. GURNEY. Mr. President, one of the significant points raised by Miss Buckley in this thoughtful article should be of concern to all of us, for she asserts, with what appears to me to be ample justification, that one of the greatest fears of the families of American POW's is the fear that the success of the Vietnamization program will operate to the disadvantage of our POW's. Let me read what she says:

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That point, I suggest, is food for thought. Again, Mr. President, I commend my distinguished friend from West Virginia for his sensitivity and for his probing analysis of this vital issue. I thank the Senator for bringing this matter to the attention of the Senate and the Nation again.

It reminds us that the North Vietnamese, the Vietcong, and the Communists were the aggressors over there in Southeast Asia. They were the ones that attacked a free nation, South Vietnam.

They were the ones that carried the war to the south. They were the ones that started the fighting. They were the ones that tried to put this new nation out of business and not in an open way but, as we know, in guerrilla warfare which recognized no uniform, which had as its target civilians, government employees, teachers, and people in charge of the villages and provinces in the government by murder, kidnaping, and torture. This is the sort of thing they have practiced year in and year out in Southeast Asia.

What their treatment of prisoners of war has shown, and it is the most inhumane treatment certainly in our time, is simply an extension of what they have always done in Southeast Asia and what we have come to know communism for ever since that idea of government was spawned many decades ago.

I would hope that finally, through the efforts of the distinguished Senator from West Virginia, and the efforts of other Senators, that the world will direct its attention to the kind of government, leaders, and people that are making trouble in Southeast Asia, so that we can recognize them for what they are.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator, and I commend him for his well-prepared statement.

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

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. I thank my friend the Senator from West Virginia. I have been fascinated in listening to the colloquy on both sides of the aisle, which has been participated in by the Senator from West Virginia, the Senator from Florida, the Senator from Kansas, the Senator from North Carolina, and other Senators from all over this vast country of ours.

When one talks with the wives, children, and families of the prisoners of war, as I have talked with groups of these people from my State, the constant question from them is, what more can we do? What more can the Senate or House of Representatives do to be of assistance in trying to get the North Vietnamese to practice simple humanity as far as prisoners of war are concerned? Those are very hard questions to answer.

This colloquy today will be another portion of the public pressure we are trying to keep on Hanoi. All of us, regardless of our feelings about the war, consider this a vital issue.

I have brought up the question from time to time as to whether Congress could not try to put economic pressures on North Vietnam by threatening to cut off trade from those countries which trade with North Vietnam until we have had a resolution of this problem. I have explored this approach in some detail with my colleagues. I urged the same course of action when Americans were held prisoner by the North Koreans in connection with the *Pueblo* incident, and I found it was difficult with the makeup of Congress at that point to do it successfully. If the efforts were not successful, of course, it could backfire, so this should be very carefully worked out ahead of time.

Another thought that occurred to me during this presentation is that many of the people who have spoken out against the war and the inhumanity of Americans in bombing the North Vietnamese and the Vietcong never mention what happens to American prisoners of war in the hands of the North Vietnamese. This was brought home to me specifically during my meetings with many of the young people who came here earlier this year in connection with the peace demonstrations. One young man looked at me and said, "I do not think the North Vietnamese have been rough on the prisoners. I have been informed by peace groups that they have been treating them well and that they are receiving medical attention and not receiving any worse treatment than prisoners held by the United States." I told him no matter how one looked at it, there was no justifiable evidence to support his opinion when he said all the problems were on us and not attributable to the other side. I asked if he had talked to Lieutenant Frishman, Petty Officer Hegdahl, or others. He said, "No," that he had only talked to different peace groups that had gone to Hanoi and told him that prisoners were being well treated.

It is discouraging when U.S. citizens themselves, people who are intelligent and educated, become hypnotized by their version of whether we should be in or out of the war, and then lose sight of the plight of prisoners held by North Vietnam.

I am very pleased the Senator has brought up this matter. I believe it will demonstrate how unanimously we are united on the fact that Hanoi must come to some civilized method of treating these prisoners and letting their families know where they are held prisoner and their condition, because the families have an immense problem.

I introduced a bill on April 30, 1970, which was a very simple bill to provide that families of those men who are missing in action or held as prisoners of war would be able to get VA loans on homes and have educational benefits for their children. The bill went to the subcommittee of the committee on which I serve, the Committee on Labor and Public Welfare and we asked for a report. Three months later there was no report. There has been nothing from the Veterans' Administration and nothing from the budget bureau or any other source. All I can say is that while they are sitting down, twirling their thumbs, and deciding what they are going to do about it, the families of these people have been placed in a position of jeopardy by virtue of the problem that exists which could at least partly be solved by this bill and others.

Once again, I am happy to participate in this colloquy. I had the privilege of appearing at Constitution Hall on May 1, and to participate in the prayer program for prisoners on May 3, and to participate in previous colloquies in the Senate.

I hope the people of Hanoi will listen. Whether they do, we will not know for some time. It would seem to me that in addition to Hanoi, the civilized countries of this world which still have contact with North Vietnam should be listening with great care to this colloquy and exerting their influence to do what they can to be of assistance in connection with this vast problem.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Kept in the Dark," which was published in the Washington Post on August 4, 1969.

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

KEPT IN THE DARK

The letters come in every day, in big and little batches from Santa Fe and Monterey, from Aberdeen, South Dakota, and Purdy, Missouri, from Richmond, Virginia and Lake Lure, North Carolina, from Downers Grove, Illinois and Finnville, Michigan. Some are hand-scrawled and some typewritten and they all speak poignantly of the suffering of mothers and fathers and wives and sons and daughters of the over 800 men who are missing and presumed to be prisoners of the North Vietnamese. They ask about the treatment the men are getting. But because the Hanoi Government won't even confirm the names of the men it is holding, their first concern is with the cruelest question—whether a husband or a brother or a son or a friend is even still alive, let alone well. Somebody has told them that just maybe a newspaper editorial would help persuade the North Vietnamese to say at least that much, to show at least that much human decency, and so the letters keep coming in.

And about all we can say in reply is that we have tried before and that we do not have any illusions—not even when it comes to counselling our own Government, which by the nature of the system it lives by is not insensitive to public pressure. But the case against Hanoi in the matter of our prisoners of war is so persuasive, and the anguish of their friends and relatives is so acute, that one wouldn't want not to keep trying.

The case against North Vietnamese treatment not only of war prisoners, but of their next of kin, rests very largely on Western values—compassion, humanity, a natural aversion to cruel and unusual punishment. And while this is the strength of the case in Western eyes, it is also of course its weakness, because the same values are not universally prized in the same war everywhere, and particularly are they not prized by Asian Communist Governments; we have the treatment of our Korean War POW's and more recently the crew of the Pueblo to vouch for that, as well as the treatment of our prisoners in North Vietnam.

The techniques are as subtle as they are vicious, as psychological as they are physical, and the results have nowhere been more affecting recorded than in interviews with two of our captured pilots conducted by Oriana Fallici and published in *L'Europeo* a few months ago. Of U.S. Navy Lieutenant Robert Frishman, she wrote:

"He was very young, very tall and terribly thin. Of a sickly, consumed thinness . . . He wore Chinese wool slippers and walked bent like an old man . . . With his left hand he held up the right arm, shorter and shrunken . . . He looked around with a lost expression and blinked his eyes . . . Obviously he had been kept in the dark for a long time . . . 'It has been almost a year and a half since I last spoke to someone, Madam.'"

There are probably places in the world where this sort of thing is effective, the use of God knows what sort of inhuman pressures to reduce men to parroting banal, fawning propaganda in a crude and almost ludicrously primitive effort to influence public opinion. But there are not many, not where men are free to judge for themselves. And the tragedy of it is the pointlessness of it, leaving wholly aside the morality; it isn't working the way the North Vietnamese must think it will work. The sympathy of the world is not going to be swung toward the North Vietnamese side of the argument by barbarism, as the press comment in large parts of the world, including countries by no means sympathetic to *our* side of the argument, amply testifies. And still less is world opinion likely to be swung by the even more mindless cruelty of preying on the grief of the next of kin, by teasing them with invitations to send gifts, by releasing a handful of prisoners now and again, but never releasing the names of those still held in captivity.

Many important, perhaps, the North Vietnamese have it all wrong if they think that this refusal to release the list of POW's will significantly influence American public opinion against the war or serve some purpose as a negotiating counter, as Hanoi's Paris negotiator Xuan Thuy has implied.

There are things about this war that have, and will continue to have a profound and disquieting effect on American public opinion; merely by dragging on, the war has that effect; so do continued American casualties in battle; so does the absence of any believable end in sight. These things may sap the will and encourage the belief that the effort is not worth the price, that conciliation and a rapid transfer of the burden to the South Vietnamese is the proper course. There are countless ways that the enemy might try to encourage these tendencies by promoting the belief that an honorable accommodation is possible with the North—an accommodation within which our South Vietnamese allies and their followers and the people of South Vietnam could survive. But a continuing demonstration of relentless cruelty, of an incapacity for showing even the most elementary evidence of decency and humanity, is not one of these ways.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator for his cogent expressions of concern.

I yield to the able majority leader.

Mr. MANSFIELD. Mr. President, I have listened with interest to the colloquy relative to the plight of U.S. prisoners of war in North Vietnam. I agree completely with the distinguished Senator from West Virginia (Mr. BYRD) that regardless of our feelings about this war in which we are engaged, as far as the prisoners of war are concerned there can be and there must be no differences of opinion.

I dare say there are differences in the minds of some of our prisoners about this war, too; but as good citizens they have carried out their duties and obligations, and the least we can do is not to forget them but to remember them as often as we can and do what we can to be of assistance in achieving their release.

It has been stated that the number of POW's in North Vietnam and Laos is approximately 1,400. We do not know whether that number is correct. We think it is about the best figure we can arrive at on an estimation of the facts at our disposal.

In addition, we do not know whether they are all alive or if some of them are dead. I would think that the least the Government of North Vietnam could do would be to give us a list of the prisoners they hold and give us some assurance that those they hold are alive, and to tell us which of the prisoners have died, or to tell us what happened to them. I think that is the minimum that could be stated as far as human decency is concerned.

It is my belief that the Government of North Vietnam is a party to the Geneva accords covering prisoners of war, and I would hope that they would consider their position, consider the plight of those people and their families, who are worrying day in and day out, and do what could be done to alleviate the suffering and the heartbreak which has been caused by the capture of these Americans.

So I want to commend the distinguished Senator from West Virginia, who once again has taken the lead in this important matter and significant field, and I want to commend my colleagues, also, for expressing their concern and their care on the basis of the remarks which they have made in this Chamber this morning and this afternoon.

I would hope that this message would reach Hanoi. I hope that the letter which has been dispatched has reached Hanoi. I dare say Hanoi is smart enough to know that this is a matter of public record and that in some way, in some shape, in some form they will have access to the RECORD of today and will be aware of what the

Senate thinks about this most distressing, dangerous, and difficult problem.

We hope that, in return, some action would be forthcoming which would bring some degree of succor, some degree of relief, some degree of alleviation to those men who are prisoners of war now but who became prisoners of war in carrying out their bounden obligation to their country.

Mr. BYRD of West Virginia. I am grateful for the remarks just made by my friend and majority leader.

I yield now to the Senator from Delaware (Mr. BOGGS).

The PRESIDING OFFICER. The additional time granted to the Senator from West Virginia has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be allowed an additional 5 minutes.

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

Mr. BOGGS. Mr. President, I thank the Senator from West Virginia for yielding. I wish to commend and congratulate him on his remarks this morning and on his continuing interest in this most pressing problem. I wish also to commend the distinguished Members of this body for their participation in the colloquy, which brings attention to this most important concern of all Americans, and, I believe, of people all over the world. I want to associate myself with the remarks that have been made this morning, especially those by the distinguished Senator from West Virginia (Mr. BYRD).

The torment and the tragedy endured by the American prisoners of war held in North Vietnam are of the greatest concern to all Americans. I do not think there is anything of any greater concern. North Vietnam's repeated refusal to provide the United States with complete information on the names and the health of American prisoners places a constant burden of anxiety and strain upon the brave families of these men.

Mr. President, it has been my privilege and honor to join with other Senators in cosponsoring two Senate resolutions intended to encourage North Vietnam to meet its obligations under the Geneva Convention on the Treatment of Prisoners of War. It is my hope that they will begin to act with humanity toward these prisoners.

One of the most effective ways North Vietnam could demonstrate its good will would be to begin serious negotiations in Paris. Such negotiating could lead to a settlement of the sad conflict in South Vietnam and lead to freedom for the prisoners held in the north.

In its August 1970 issue, Air Force and Space Digest magazine, published by the Air Force Association, inaugurated a column on developments regarding men who are prisoners of war or missing in action. The magazine, I believe, is to be commended for focusing attention on this issue. I ask unanimous consent that the column be printed at this point in the RECORD.

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

POW-MIA ACTION REPORT

(By Maurice L. Lien)

HOW LONG?

"A child asks: 'Where is my daddy?' A mother asks: 'How is my son?' A wife asks: 'Is my husband alive or dead?'

"Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

"How long?"

This quotation has been entered in the *Congressional Record* every day since January 26, 1970, by Rep. William J. Scherle (R–Iowa), as a continuing reminder to all members of Congress, and the world, that more than 1,500 American servicemen are prisoners of war or are missing in action in Southeast Asia.

Congressman Scherle, long active in support of the cause of MIA/POWs, says he will keep on entering his statement in the *Record* every day "until all the American prisoners of war are released." He, along with scores of other members of Congress, is determined to "keep the pressure on" until the Communists give a complete accounting of the men they hold prisoner and until humane treatment of these Americans is assured.

"THE COMMITTEE OF LIAISON"

On June 26, a group calling itself the "Committee of Liaison with Families of Servicemen Detained in North Vietnam" released the names of 335 Americans it claimed are being held prisoners in North Vietnam. The list, it turns out, is a compilation of the same names released by the same group on three previous dates—January 15, March 11, and March 27, 1970.

The Committee of Liaison, a group of private individuals, is an offshoot of the New Mobilization Committee to End the War in Vietnam ("The New Mobe"), and was formed in January of this year. Its purpose is to receive the names of prisoners of war from the North Vietnamese government, and to pass on to relatives information concerning these men. The organization, according to its own information sheet, was formed at the request of the government of North Vietnam.

According to a New York *Times* story on June 26, North Vietnam has reportedly declared that the list of names released by the Committee of Liaison on that date was complete and that North Vietnam does not hold any men who are not listed on it.

The Department of Defense, however, calls the list "incomplete and unacceptable," and has said that the names of *at least* forty men believed to be in the hands of the North Vietnamese are missing from the list. In support of its contention, DoD released photos that have been published in North Vietnamese newspapers of two Americans identified as prisoners, whose names are not on the list.

In a statement on June 26, Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, said, "It should be noted [that] this privately compiled and unofficially released list makes no reference to our men held prisoner by Hanoi and its agents in South Vietnam, Laos, and Cambodia. The unofficial release of an inaccurate and incomplete list of names from unofficial sources," he said, "can only add to the great anguish of the hundreds of wives, children, and parents of the more than 1,500 servicemen who are listed missing or captured."

NATIONAL LEAGUE OF FAMILIES

On June 30, a newly incorporated organization officially opened its Washington, D.C., headquarters with the expressed hope and prayer that it could "go out of business tomorrow." The National League of Families of American Prisoners and Missing in Southeast Asia, formed in late May, is a direct result of the meeting of families held on May 2, reported on in these pages in the June issue.

Membership in the League is confined to families of U.S. servicemen and civilians who are prisoners of war or missing in action. Membership at this writing totals about 3,000 families.

Mrs. James B. Stockdale, wife of a Navy captain who has been a prisoner in North Vietnam since September 1965, is Chairman of the Board of the new organization. She was formerly National Coordinator for the original League of Families, which she founded and which became the nucleus for the present League.

Vice Chairman of the League is Mrs. Kenneth W. North, of Wellfleet, Mass., wife of an Air Force major identified by the League as a POW. Thirteen other family members, including nine wives, three mothers, and one father, serve on the Board of Directors. Six of these, the father and five wives, are from Air Force families. They are: Col. Edwin Brinckmann, USA (Ret.), of Shalimar, Fla., father of Air Force Lt. Col. Robert E. Brinckmann (MIA); Mrs. Arthur J. Cormier (TSgt.-POW), Bay Shore, N.Y.; Mrs. Robert C. Davis (Capt.-MIA), Burlington, N.J.; Mrs. Arthur S. Mearns (Lt. Col.-MIA), Los Angeles, Calif.; Mrs. Samuel R. Johnson (Lt. Col.-POW), Plano, Tex.; and Mrs. Bobby G. Vinson (Col.-MIA), of Alexandria, Va. Mrs. Vinson also serves as Assistant National Coordinator for the national office.

Mrs. Iris Powers, of Lutz, Fla., the mother of an Army warrant officer who is missing in action, is the National Coordinator. Another member of the permanent staff, all unpaid volunteers, is Office Manager Mrs. Kevin J. McManus, from Brightwaters, N.Y., wife of an Air Force captain imprisoned in North Vietnam. The all-woman staff will be assisted by volunteer workers recruited from local MIA/POW families.

The offices of the National League of Families are at 1 Constitution Ave., N.W., Washington, D.C. 20002. The space is being provided at no charge by the Reserve Officers Association, which owns the building. It is within easy walking distance of the Capitol and the offices of all members of Congress.

The Air Force Association will make its facilities and staff personnel available to support the League in any way it can be of assistance. We are confident that in this, we speak for every member of AFA.

The nonprofit, nonpartisan organization is being financed by the families themselves and through contributions from concerned individuals and organizations.

THE FAIRCHILD HILLER CORP.

Fairchild Hiller Corp. continues to lead industry in publicizing the plight of the American MIA/POWs, with creation of special display units to distribute information about the prisoners at trade shows and public gatherings. This is the latest of many actions taken by that company.

A year ago, in August 1969, Fairchild Hiller initiated a company-wide letter-writing campaign. More than 10,000 employees—nearly ninety percent—wrote to the government in North Vietnam. Thousands more letters were sent to other governments, and to UN representatives, urging them to use their influence in Hanoi. Fairchild Hiller President Edward Uhl personally wrote to the heads of 100 other companies, inviting them to join in the campaign. And, at Mr. Uhl's urging, the National Association of Manufacturers sent a circular to all its members suggesting they encourage their employees to write letters.

Fairchild Hiller followed up its letter-writing campaign with public-service messages in leading newspapers across the country, and in magazines. In response to requests, to date they have distributed more than 100,000 poster reprints of these messages. In late

April, Fairchild Hiller took out full-page ads in two Washington D.C., newspapers, publicizing the May 1 rally for MIA/POWs, held in Constitution Hall.

Late last year, Fairchild Hiller made available to families of prisoners and missing servicemen, and to others, a special Christmas card that carried a message telling the receiver how he could help. They filled requests for more than 50,000 cards.

Our thanks, and that of the MIA/POW families, to Fairchild Hiller employees, to their President, Edward Uhl, and to Maston M. Jacks, a former USAF information officer and now Fairchild Hiller's Manager of Information Service.

Mr. BOGGS. Mr. President, I again commend the distinguished Senator from West Virginia for his leadership and his effort in this important matter. I am honored and happy to associate myself with him, and I thank him for his effort.

Mr. BYRD of West Virginia. I thank the able Senator for his cogent statement, and I am indebted to him.

Mr. ALLEN. Mr. President, today the distinguished Senator from West Virginia has made an eloquent and timely and outstanding speech demanding that the North Vietnamese give humane treatment to the American prisoners of war under their control.

Mr. President, no issue that has come before the Senate has attracted the unanimity of opinion that this issue of demanding humane treatment for American prisoners of war in the hands of Hanoi has. No colloquy has attracted more participation than the colloquy taking place earlier today.

I wish to associate myself with the eloquent remarks of the distinguished Senator from West Virginia (Mr. BYRD), and with all Senators who participated in that colloquy.

Among them were the distinguished majority leader, the able Senator from Montana (Mr. MANSFIELD), the distinguished Senator from Kansas (Mr. DOLE), the distinguished Senator from New Mexico (Mr. MONTOYA), the distinguished Senator from Alaska (Mr. GRAVEL), the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Arizona (Mr. FANNIN), the distinguished Senator from Florida (Mr. GURNEY), the distinguished Senator from Massachusetts (Mr. BROOKE), the distinguished Senator from Delaware (Mr. BOGGS), the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from North Carolina (Mr. JORDAN), and perhaps others.

Mr. President, while the Senate of the United States might be divided on some issues, it speaks with one voice on the matter of demanding humane treatment for American prisoners of war in the hands of the North Vietnamese and the Vietcong.

Mr. President, every Member of this Senate is deeply distressed and concerned over the continuing callous and inhumane treatment of American servicemen who are being held prisoners of war by Communist forces in Southeast Asia.

Not only has Hanoi refused to provide proper food and care for these men, but it also has refused to fully identify them and permit them the right to send letters to their families or to receive mail and packages in return. And the enemy continues to hold men who are seriously ill and wounded and in need of medical treatment.

Failure has marked every effort to obtain the release of American servicemen who have fallen into North Vietnamese hands during the past 6 years.

Wives, children and parents of more than 56 of these men live in the State of Alabama. Twenty-seven of these men are soldiers, 17 from the Air Force, nine are sailors, and three are marines. Their families, along with the families of other U.S. servicemen listed as missing, have shown great spirit and hope despite their sorrow and worry about the safety of their loved ones.

Mr. President, the first U.S. Army adviser was captured by the Vietcong in March 1964, 6 long years ago. Since that time, the number of U.S. servicemen listed as missing in action or believed captured has grown to more than 1,500. About 150 of these men have been missing or captured for more than 4 years, and more than 300 of them have been missing for more than three and a half years. This is longer than any U.S. serviceman was held prisoner during World War II.

The treatment of American prisoners of war in Vietnam has been the subject of increased public attention over the past year, largely because of the continued refusal of North Vietnam and the Vietcong to abide by the 1949 Geneva Convention on Prisoners of War. American efforts on behalf of prisoners have shifted from the diplomatic arena to a campaign designed to force the Communists to moderate their stand through the pressure of world public opinion. American policy on the issue of prisoners has from the first been based on the principles of the Geneva Convention; but as the number of prisoners has increased, American diplomats have concentrated on four specific goals, while continuing to push for discussions on the subject of the prisoners: First, identification and accounting of all prisoners held; second, establishment of regular communication between all prisoners and their families; third, prompt repatriation of the seriously sick and wounded; and, fourth, observation and inspection of POW camps by impartial observers.

As of July 25, 1970, Pentagon records showed 1,567 American servicemen missing or captured in Southeast Asia. Of these, 376 were believed captured in North Vietnam, 78 in South Vietnam, and three in Laos. Of the 1,110 men about whom no information had been received, 404 were considered missing in North Vietnam, 482 in South Vietnam, and 224 in Laos.

Mr. President, the United States customarily turns all enemy prisoners over to the South Vietnamese Government for internment, a move provided for in the Geneva convention. The South Vietnamese Government has on several occasions freed North Vietnamese prisoners or offered to exchange them for Americans, particularly the sick and wounded, but the North Vietnamese, refusing to acknowledge that they have troops in the South, have ignored such offers.

In 1965, the International Committee of the Red Cross invoked the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, and it reminded the nations fighting in South Vietnam of their responsibilities under the convention and asked that they respond by listing the steps they planned to take to abide by it. The Convention, which was ratified by the U.S. Senate in 1956, and signed by the North Vietnamese in 1957, sets standards for the treatment of prisoners in any armed conflict, whether or not there has been a declaration of war. The North Vietnamese claim that their holding of prisoners is on a different basis than that provided for by the Geneva convention because there has been no state of war declared. But the Geneva convention does not provide that. The rights it guarantees are inviolable. It includes provisions for adequate food, clothing and medical care, prohibitions against excessive, dangerous or brutal work and discipline, and the designation of a protecting power to inspect conditions within the camps. Further, all prisoners are to be registered, with the sick and wounded being repatriated and the others allowed to write to their families twice a month as well as to receive letters and packages. The convention also prohibits exploitation of prisoners for political purposes and interviews by members of the press.

Mr. President, as the entire world knows, the North Vietnamese and Vietcong have refused to release a full list of the names of prisoners held or to give full information about their conditions of imprisonment, maintaining that captured prisoners are war criminals not entitled to the protection of the Geneva Convention. At the beginning of 1970, families of only about 175 of the total missing, and believed held in North Vietnam had received letters at all, and the average frequency of letters was less than two per year. A handful of these men had been interviewed by foreign journalists, and a few others had been featured in Communist radio broadcasts. Virtually no information was available about the location of the camps; and the little that was known about the inhumane conditions in them came from released or escaped prisoners.

In terms of the Geneva Convention alone, the United States considers North Vietnamese treatment of prisoners to be inhumane, and political in motivation. An American Embassy official in Vietnam was quoted as saying that—

So far as the North Vietnamese are concerned, prisoners are an asset in war, an asset to be exploited just like a tank or gun.

North Vietnamese treatment of prisoners and the releases of men and information have been used as much as possible for propaganda purposes, rather than resulting from American diplomatic efforts on behalf of the prisoners. But, although the North Vietnamese have publicly criticized the current American policy of alerting world opinion regarding abuses of the Geneva Convention, they have increased the amount

of information about prisoners in the last 2 months. This is a slim glimmer of light in a otherwise dark picture.

In recent weeks, some families received letters from prisoners indicating that the prisoner would be allowed to receive packages and that they would be allowed to write regularly each month. Under these circumstances, the families of prisoners are acting on this information although there has been no official announcement by Hanoi.

This is a hopeful sign that the great effort to arouse world opinion against the Communists is bearing some fruits. But even in their efforts to cleanse themselves before the eyes of the world, the North Vietnamese and their allies show their true nature.

For example, following a great publicity ploy, a purported list of prisoners of war held by Hanoi was released unofficially some weeks ago by a group of private American citizens whose past indicates close ties to Hanoi. But this list has been a cruel blow to many of the wives and children and parents of the prisoners not listed, but known to be held, like animals, in Communist pens. The Department of Defense has announced that the list does not include the names of at least 40 men officially known to be prisoners of war based on previous information, including Communist propaganda films and photographs released by Hanoi, by radio broadcasts, through identification by former POW's who have been released, and from other sound intelligence sources.

Neither does this list make reference to our men held prisoners by Hanoi in South Vietnam, Laos, or in Cambodia.

Even before the beginning of the so-called Paris peace talks, the American Government pressed for North Vietnamese adherence to the Geneva Convention through various intermediaries. Contacts were made through interested third governments, such as Cambodia, Sweden, the Soviet Union, and the United Arab Republic, and President Johnson said on Christmas, 1967, that he had asked the Pope to intercede on behalf of our men. Diplomatic appeals were also made through international organizations, and private appeals were made by American Congressmen and others. Finally, prisoner exchanges and releases were tried in the hope of encouraging reciprocity by Hanoi.

But the enemy's only response has been that American withdrawal from Vietnam must be completed first.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. ALLEN. Mr. President, may I have 6 more minutes?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Alabama have 10 additional minutes.

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

Mr. ALLEN. Mr. President, this effort to make propaganda gains from the misery and heartbreak of our servicemen and their families is a cruel effort to extract political gains. I have nothing but overwhelming contempt for those groups of American citizens who stamp upon and burn the American flag, and who display the banner of the Vietcong and call for a North Vietnamese victory over our forces and who so willingly lend themselves to the diabolical and Machiavellian maneuvers of the Communists. These people and these groups seem to show far more sympathy for the enemy than they do for their fellow Americans rotting away in the pigsty POW camps of the enemy.

Mr. President, the Congress has granted permission for an exhibit directly under the Capitol Rotunda providing a grim reminder of the plight of Americans held prisoner by the enemy in Southeast Asia.

This exhibit is an accurate though understated protrayal of the indignities forced on American prisoners of war at the hands of the enemy. It shows the cages and the primitive conditions in which sick and half-starved captives must exist—for existence is all that is allowed them.

I believe, as so many other Members of this body believe, that once the thousands upon thousands of visitors to the Capitol see this sight, they will throw their voices and their influence behind this aroused and angered Nation's efforts to force Hanoi to abide by its commitment to the humanitarian standards of the Geneva Treaty.

If we must live in a world of realities, let us make sure that the enemy also knows the realities that face him. And if it is true, as I so firmly believe it to be, that the enemy will reap what he has sown, he faces a dire future.

We must continue to plague the enemy and keep his miserable record before the world.

He shows a complete lack of humane consideration, not only for the prisoners or their families, but also for his own soldiers who have been wounded and captured.

The record clearly shows how he has refused to identify all the prisoners of war he holds, or to provide what information he may have to the families of these men. He denies the right of every prisoner at least to write a note to his loved ones, and he refuses to give impartial observers access to his prisoner camps.

Although claiming to come from an Asian civilization predating the Western World, the enemy shows an animal-like beastiality in treatment of his fellow man.

Mr. President, the enemy uses the Paris peace talks for his own propaganda advantages, neither wanting to talk peace nor discuss the prisoners of war.

But he should know that we will not let him forget the plight of these prisoners or their families. He is responsible for them, both under the 1949 Geneva treaty and under the principles of humanity which go far beyond legal requirements. We must let him know that he cannot and will not escape these responsibilities.

At this very moment, while we speak in this historic Chamber, it is the midnight hour in the jungles of Southeast Asia, and darkness has closed around American prisoners of war as they huddle in their bamboo prisons.

Worldwide public opinion must be alerted and brought to bear in behalf of our prisoners of war.

America owes them a debt so great it can never be fully repaid. But let them know that a grateful nation is exerting its best efforts to repay them to the extent that we can.

Let all nations hear our pledge, Mr. President, that we will not forget the plight of these men, or their families, and we will not let the rest of the world forget.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield.

Mr. BYRD of West Virginia. The Senator has cast bread upon the waters which will return after many days. I want to congratulate him for the persuasive and well prepared statement he has made. I know the hearts of the wives and children, fathers and mothers, and other relatives and friends of American servicemen who are held prisoners of war in North Vietnam and in South Vietnam by the North Vietnamese and the Vietcong are going to be comforted and warmed by the statement of the Senator from Alabama. They will be indebted to him. I am indebted to him. All Americans are indebted to him and to the other Senators who have participated in the colloquy this morning.

I wish to thank the Senator for his excellent contribution.

Mr. ALLEN. I thank the Senator for his kind remarks and have heretofore expressed my appreciation to him for his leadership in this most important matter. I have asked to be associated with the excellent and eloquent remarks that he made earlier today. I do wish to congratulate him and to express the thanks of a grateful nation and the thanks of the families of the prisoners of war for the leadership the Senator from West Virginia has exerted and for the efforts he has made, and to extend the observation of the junior Senator from Alabama that when the Senator from West Virginia sets his hand to the plow he does not look back and he does not stop until results are achieved.

The work of the distinguished Senator from West Virginia, I feel confident, will bear much fruit and that it will help alert, first, national opinion in this matter, and then world opinion, to our demand that humane treatment be accorded to American prisoners of war held by Hanoi.

Again my sincere thanks to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. The Senator is very generous. I hope our efforts today will redound to the benefit of those pitiable prisoners of war and that our efforts will help, somehow, to remind the American people and the people of the world so that those men will not become the forgotten men of this war.

Mr. ALLEN. I thank the Senator.

AMERICAN PRISONERS OF WAR MUST NOT BE FORGOTTEN

Mr. McINTYRE. Mr. President, I want to commend, in the highest possible terms, the efforts by my friend, the dis-

tinguished Senator from West Virginia (Mr. BYRD) for the leadership he is once again displaying in keeping Hanoi's feet to the fire on American prisoners of war in North Vietnam.

We must not relax for 1 second in our efforts to assure the safety of the several hundred American prisoners held by Hanoi. The North Vietnamese leaders have violated the Geneva Convention, the rules of decency, and the compassion that decent humans feel for others in their complete refusal to deal with our Nation, with international bodies, with the Red Cross, or with anyone in releasing information about these prisoners.

Our heart goes out to the thousands of parents, wives, children, family, and friends who do not know whether their sons, fathers, and husbands are safe, well, or even as horrifying as it may be, whether they are alive.

Each of us has been horrified by the recent revelations concerning the "tiger cages" of Con Son where prisoners of the South Vietnamese are subjected to seemingly inhuman treatment. We have been heartened by reports that considerable improvements are being made in the conditions in these prisons.

Let Hanoi take a page from the South Vietnamese. Let some decency, humaneness, and respect for people begin to pervade their thinking in some even minor way. Maybe this is too much to ask.

But, we must keep ever-increasing pressures on them. The Members of Congress have many views on the war in Southeast Asia. I know, however, that I speak for everyone of my colleagues when I say that we can achieve unanimity in our view that we will never forget our prisoners of war, and that we support the efforts of the administration and all others in arriving at an honorable and just solution to this most contemptuous problem.

Once again, I commend the Senator from West Virginia (Mr. BYRD) for his action here today.

Mr. HANSEN. Mr. President, the distinguished Senator from West Virginia pointed out that of the 1,400 Americans missing or captured in Southeast Asia, some 300 have been held as prisoners of war for 4 years or more. The able minority leader has also taken note of this situation and the deplorable conditions these brave men have endured and continue to endure because of the cruel philosophies of the enemy. Some of these Americans have been held for more than 6 years—in bamboo cages and similar contrivances of torture. Captivity for some of these men is now approaching completion of the seventh year.

The minority leader also explained that these men are in the peak years of their productive adult life, which for the average American is about 40 years—and that 7 years is about one-sixth of the productive life these men could otherwise expect to have. In addition to the actual years of productive life these men lose, it should be observed that because of the deplorable conditions under which the enemy keeps its prisoners, that several more years are required for these men to regain their health. And even that is assuming that these heroic men will be recovered by the United States and by their loved ones in good enough condition that they can be returned to normal health. For most, they will bear the scars of this captivity for the remainder of their lives. Many can perhaps be expected to be in ill-health all their lives even when released.

This policy—the policy of Hanoi—is in keeping with the Communist philosophy. That is—the utter disregard for human life and human happiness and human endurance. What the Communists are doing to these heroic Americans in North Vietnam and in the Vietcong camps within South Vietnam is nothing new for the Communists. It was not many years ago that the Communists invaded South Korea. None of us here have forgotten that conflict and the atrocities committed by the enemy. None of us have forgotten the broken condition, both physically and mentally, in which many brave Americans were returned from the prison camps of North Korea.

We must not forget nor condone the routine viciousness of the leaders of communism. This enemy has no virtues in the area of humaneness, it is dedicated to crippling the minds and bodies of Americans who have fallen into its hands. We will not forget.

The distinguished Senator from West Virginia has pointed out that Hanoi does respond to American sentiment—not just to the sentiment of elected representatives, but to the sentiment of Americans who raise their voices in protest.

The Senator has pointed out what a source of power is available if Americans raise their voices in protest against the inhumane treatment of fellow Americans who have served freedom's cause and who are held captive. I join the Senator in calling for millions of Americans to make known to the enemy that they damn his actions, his torture chambers, his bamboo cages, and his cruel disregard of the Geneva accords relative to treatment of prisoners.

Hanoi may choose to ignore the outcry of 200 million Americans. But the world must know of our great concern that all Americans have for fellow Americans held by the Communists. They must know that Americans will not kindly consider any nation that will not join in bringing world pressure against the Communists to observe the Geneva accords. And they must know that Americans will not soon forgive those nations that fail to respond to our plea. I direct these remarks to nations that have in the past looked to the United States for rescue in time of war, and may in the future need a strong ally when their freedoms are in turn threatened as are those of South Vietnam currently—and I direct these remarks to those nations that have received economic aid from the United States in the past, and that may again seek such assistance.

I certainly endorse the excellent remarks of the Senator from West Virginia, and I share his great and heartfelt concern for Americans everywhere who are following this Nation's flag, and for their families here at home who also exhibit wonderful courage and perseverance.

The Senator has taken note of the efforts of our Government to obtain reasonable treatment for American prisoners. These efforts will continue. To my knowledge, to date, there has been no sign of a satisfactory response from the enemy. I would hope that the wrath of every American—directed at the enemy—would have some effect on his future course.

Mr. President, the U.S. delegation to the 73d plenary session of the meeting on Vietnam at Paris proved that the alleged list of prisoners presented by the enemy was inaccurate and incomplete. I ask unanimous consent that the opening remarks and additional remarks of Ambassador Philip C. Habib, acting head of the U.S. delegation, be printed in the RECORD.

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

REMARKS MADE BY AMBASSADOR PHILIP C. HABIB, ACTING HEAD OF THE U.S. DELEGATION, AT THE 73D PLENARY SESSION OF THE MEETINGS ON VIETNAM AT PARIS ON JULY 2

OPENING REMARKS

Ladies and gentlemen: You have again today made wildly inaccurate charges about the limited American and South Vietnamese military operations in Cambodia and what their results have been.

President Nixon stated in his report of June 30 that our action in Cambodia was "a limited operation for a limited period of time with limited objectives." The military objectives were, as he put it, to capture or destroy the arms, ammunition, and supplies that had been built up in those sanctuaries over a period of years and to disrupt your communication network.

It is obvious, despite your frantic claims to the contrary, that these objectives have been met. Your forces have suffered extensive casualties and very heavy losses in material as a result of these operations. Your supply lines have been dislocated. You can no longer count on Cambodian border areas as privileged sanctuaries as you have been doing for the past 5 years.

In his report of June 30 on operations in Cambodia, the President said that all American troops have withdrawn from Cambodia according to the schedule previously announced. He also made known what our future policy for Cambodia will be. It is there, on the public record, for you to read.

Looking beyond the question of Cambodia toward the peaceful settlement of the war, the President in his report of June 30 and in his television interview of last evening has made United States policy clear. He said that America's purpose in Viet-Nam and Indochina remains what it has been—a peace in which the peoples of the region can devote themselves to development of their own societies, a peace in which all the peoples of Southeast Asia can determine their own political future without outside interference.

The President has also expressed the hope that you will ponder seriously your choice, considering both the promises of an honorable peace and the costs of continued war. He has appointed a distinguished American to be the chief of the United States delegation to the Paris meetings on Viet-Nam. As the President said, we shall renew our efforts to bring about genuine negotiations which can lead to a peaceful settlement. In his words, "The lesson of the last 2 months has reinforced the lessons of the last 2 years—the time has come to negotiate a just peace."

Your side cannot impose its will through military means. We have no intention of imposing ours. We have not raised the terms of a settlement as a result of our recent military successes. We will not lower the minimum terms in response to your side's pres-

sure. Our objective remains a negotiated peace with justice for both sides and which gives the people of South Viet-Nam the opportunity to shape their own future.

Ladies and gentlemen, I turn now to an issue of particular and immediate concern, an issue which we have repeatedly and unsuccessfully tried to discuss seriously with you since these talks began. I refer to the question of the treatment and release of prisoners of war and, specifically, to your continued refusal to identify all prisoners of war you hold or to provide what information you have to families about the fate of other men who are missing.

This past week newspaper accounts have described a list of prisoners held by your side. According to these accounts, you have stated that this list of 335 men comprises the complete list of all American prisoners of war being held in North Viet-Nam.

If this list represents your attempt to discharge your obligation to make known information on prisoners you are holding, I must make my Government's attitude perfectly clear. We find this list incomplete and therefore unacceptable. It does not include the names of many other men who we know are in your custody, based on photographs in your own newspapers, broadcasts over your own radio stations, and other sources.

This incomplete and unofficial list fulfills neither your side's obligation under the Geneva Convention of 1949 nor the simple humanitarian obligation to relieve the anguish of hundreds of families who do not know if their missing men are alive or dead.

The American people and world opinion continue to be deeply disturbed at your disregard of these obligation. This is not a matter which can be held in abeyance. We have asked for full adherence by your side to internationally accepted standards of behavior. This means a complete and official identification of all men who have been captured by your side in North and South Viet-Nam, Laos, and Cambodia. It also means full disclosure of all information you hold on military personnel and civilians who are missing in these areas. As we have stated previously, we also seek impartial inspection of prisoner of war camps, a regular flow of mail, and the prompt repatriation of sick and wounded and of those who have been held prisoner for a long time. Finally, we have said before, and repeat now, that we are ready to begin immediate discussion of arrangements for the early release of all prisoners of war held on both sides.

ADDITIONAL REMARKS

Ladies and gentlemen: Your reaction to our statement concerning the prisoners of war you hold is neither responsive nor consistent.

On the one hand you have through your unofficial channel, the Committee of Liaison, reportedly declared that you hold in North Viet-Nam only 335 prisoners. However, on the other hand, your own media have offered tangible evidence that you in fact hold a number of additional U.S. prisoners.

Let me cite several examples:

Col. Edward B. Burdett, USAF—date of capture: 18 November 1967. The Quan Doi Nhan Dan newspaper published a photograph of his military identification card on 21 November 1967. In an English broadcast to South Viet-Nam on 26 November 1967, Hanoi radio stated that: "These days American pilots have been captured at a record tempo. Of these captured pilots, there were well experienced or very important pilots such as two colonels, Edward B. Burdett and . . ."

Capt. Edwin L. Atterberry, USAF—date of capture: 12 August 1967. On 14 August 1967 the Quan Doi Nhan Dan newspaper published a picture of Captain Atterberry that was taken shortly after his capture. The same picture was published on 21 August 1967 in the Vietnam Courier.

Lt. James J. Connell, USN—date of capture: 15 July 1966. The Vietnamese News Agency released a postcapture photograph of Lt. Connell on 21 July 1966. This photograph also appeared in the 21 July 1966 issue of the Quan Doi Nhan Dan newspaper. On 21 July 1966 the Vietnamese News Agency issued a statement in English attesting to the capture of Lt. Connell. The statement included remarks attributed directly to Lt. Connell.

Lt. Comdr. James L. Griffin, USN—date of capture: 19 May 1967. On 21 May 1967 the Quan Doi Nhan Dan newspaper printed a photograph of his military identification card. On 20 May 1967 Hanoi issued a statement on a press conference that was held in Hanoi that date. The following is quoted from that statement: "A list of five among the U.S. air pirates captured yesterday, 19 May 1967, in Hanoi was made public at the conference. They are: James L. Griffin . . ." In addition, a reported statement by Lt. Comdr. Griffin was presented at this same press conference. The recorded statement was broadcast over Radio Hanoi on 20 May 1967.

I ask you now can you really claim a record of full disclosure on the prisoners you hold in North Viet-Nam? And what of those you hold in Laos and South Viet-Nam?

Mr. BYRD of Virginia. Mr. President, I concur wholeheartedly in the remarks of the Senator from West Virginia (Mr. BYRD) on the subject of prisoners of war.

It is important that we continue to focus public attention on the plight of the American servicemen held captive by North Vietnam. We must not permit these prisoners to become the forgotten men of the Vietnam war.

No one can be entirely sure how many Americans are held by Hanoi. Estimates indicate more than 400 are in prisons, but nearly 1,000 are listed as missing.

Those of us who seek humane treatment for the prisoners of war ask only that North Vietnam adhere to the Geneva Convention. Specifically, we want to see immediate release of a list of prisoners, inspection of POW facilities by an international body, free flow of communications between the prisoners and their families, repatriation of the sick and wounded, and eventual release of all captives.

Nothing is more inhumane than the cruel treatment which Hanoi has given to those Americans it holds prisoner—and to the families of these men, who do not even know, in many cases, whether their loved ones are alive or dead.

Hanoi's cruel policy should be held up before all the world. We must try to bring maximum pressure upon the North Vietnamese regime to change this policy and abide by the rules of civilized nations.

Mr. BYRD of West Virginia. Mr. President, I am indebted to my colleagues, and extend my thanks to those who have engaged in colloquy and to all who have participated in the discussion of this subject today.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Mississippi (Mr. STENNIS) for a period of one-half hour.

Mr. STENNIS. Mr. President, are we in the morning hour?

The PRESIDING OFFICER. The period for the transaction of routine morning business will extend until 1 o'clock.

Mr. STENNIS. Unless otherwise ordered by the Senate, what would be the pending business before the Senate when the morning hour is concluded?

The PRESIDING OFFICER. At 1 o'clock, the Chair will have to lay before the Senate the unfinished business, unless the Senate agrees otherwise.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the ordered expiration of the period for the transaction of routine morning business at 1 p.m. today, the previous orders for recognition may be permitted to continue, and that a period for the transaction of routine morning business may be extended thereafter, at the close of which the unfinished business will be laid before the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Chair have the clerk state for the RECORD the pending business before the Senate at the close of debate yesterday?

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will state the unfinished business, which will be laid before the Senate at the conclusion of morning business.

The Legislative clerk read as follows:

The bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I thank the Chair. My remarks will be directed toward the measure that has just been stated by the clerk—that is, H.R. 17123—and particularly that part of the bill, as reported to the Senate, that deals with what is called the ABM.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT

NATIONAL SECURITY REQUIRES SAFEGUARD ABM SYSTEM

Mr. STENNIS. Mr. President, I will commence my discussion of the Safeguard ABM system by describing its current status and what is before the Senate for consideration.

We are now proceeding with the initial congressionally approved increment—phase I—of the two site complexes at the Minuteman fields near Grand Forks Air Force Base, N. Dak., and Malstrom Air Force Base, Mont. The purposes of this phase I deployment are first, to preserve the President's future options by establishing a minimum base for expansion if the threat requires it, and second, to provide a beginning for protecting the

Minuteman force against the estimated U.S.S.R. mid-1970's threat.

It is well for us to remember, Mr. President, that what we are talking about with respect to this weapon, and it is purely a defensive weapon, is not in terms of the present, but in terms of what the situation may be in 1975 and beyond.

For fiscal year 1971, the administration has recommended authorization to deploy one additional Safeguard site to defend the Minuteman field at Whiteman Air Force Base, Mo.; to continue the deployment at Grand Forks and Malstrom, and to add additional Sprint missiles at these sites to bring them to the phase II level, thus further increasing the total number of missiles capable of defending Minuteman; to commence the long lead time task of advanced preparation for five additional sites, four of which would be for area defenses as distinguished from defense of our Minuteman missiles. The total budget request for fiscal year 1971—including military construction—was $1.459 billion, of which $1.359 billion would require authorization.

What I have just described was the budget request. The committee decided, after extensive consideration, to restrict the Safeguard deployment for fiscal year 1971 to defense of our land-based strategic deterrent—our key ICBM bases, or some of them; that is, our Minuteman bases. Therefore, the committee has recommended the continuation of the phase I sites at Malstrom and Grand Forks, plus approval of deployment at Whiteman Air Force Base and advance site preparation at Warren Air Force Base. It was the committee's considered judgment that this proposed deployment was necessary for our national security requirements and that it is conducive to strategic arms control and, therefore, it deserves the full support of the Senate. The committee's limitation is set forth as a matter of law in the bill before us, since the recommended bill precludes expenditures at any site other than the four covering our Minuteman forces.

To state it in other words, Mr. President, we struck out the provisions in the bill that would have authorized the additional four sites which would have been exclusively for area defense. There was not a great sum of money involved in the change we made in the bill in this respect, but the mission was affected, and the change leaves the part that remains in the bill directly in line with and a continuation of what was debated and approved on this floor about a year ago.

Let me say, Mr. President, that I yield to no one who is in favor of a dedicated search for lasting peace in the world, but, in the ranks of those who desire this, there is room for difference of opinion as to how that peace can be achieved. I am convinced that in today's international climate we do not improve the changes for peace by taking the risk of relegating our strategic forces to a position of inferiority to those of the Soviet Union. I am thinking now in terms of the years ahead.

Our chances of achieving a just and lasting peace, I believe, rest upon the basic premise of mutual deterrence—that is, the ability of both great powers to ride out a massive attack and still retain the capability to inflict unacceptable damage on the attacker in retaliation. It follows that actions which affect this retaliatory capability—such as failing to deploy an ABM system—in turn affect the credibility and stability of mutual deterrence. This is therefore a matter we must consider very carefully.

As Senators know, the United States has maintained a relatively constant force of 1,710 ballistic missile launchers, including our Polaris/Poseidon force, since 1965. There has, however, been a reduction of about 30 percent in our strategic bomber force in the last 5 years. On the other hand, during the same period, there has been a major and dramatic growth in the Soviet strategic arsenal.

For example, the U.S.S.R. is continuing to deploy its extremely large ICBM, called the SS–9, which has sufficient throw weight or boost power to carry a single warhead with a yield of 25 megatons—the equivalent of 25 million tons of TNT—or three multiple reentry vehicles with a yield of about 5 megatons each—the equivalent of 5 million tons of TNT—to intercontinental ranges, which means to carry them to our shores or even to our heartland. Thus, whether with single nuclear warheads or multiple reentry vehicles, the SS–9 could deliver a large enough yield to have a "hard target" kill capability. Five megatons, as you know, is quite a bang, as will be realized by comparing it to the approximately 20 kiloton yield of the nuclear bomb that was dropped on Hiroshima.

The relative size is that the SS–9 missile has 1,250 times as much power as the bomb dropped over Hiroshima in 1945. Mr. President, if the human mind can conceive of such massive relative strength, we might pause just a moment to think of the broadside devastation in that dropping of a relatively small, single bomb over Hiroshima in 1945. That bomb had the equivalent of 20,000 tons of TNT. The SS–9 to which I refer has the equivalent of 25 million tons of TNT—1,250 times as great as the bomb of 1945.

Incidentally, some of the scientists very honestly say that the ABM will not work. I understand that when the first atomic bomb was tested in New Mexico in 1945—I am told this by reliable authority—among the onlookers were some very reputable scientists, honest as the days are long, who said, until the actual explosion that it would not work. It is just commonsense that if we wait until we are certain that things will work in this field, we will never have an ABM system.

It has been estimated that 300 to 500 MIRVed SS–9's could very well give the Soviets a capability for neutralizing virtually all of our Minuteman force if we do not deploy an effective ABM system. The latest estimate is that the Soviets have deployed or have under construction at this time about 300 SS–9's, which is considerably more than they had at the same time last year.

Almost a year ago, we were debating the same subject matter here, Mr. President, and predictions were made then as to what the picture would be as to the Soviet capability, what their plans for deployment and construction was. We stand here now a year later, and the proof is fairly clear—in fact, it is virtually conclusive on this point—that this construction and increased strength by them has now progressed even beyond the predictions of a year ago.

Now let me make a point. Many experts believe that the Soviets reentry vehicles are not independently targetable; that they are MRV's rather than MIRV's. The same experts will admit, however, that without onsite inspection it is just about impossible to know whether these multiple warheads are independently targetable. If they are not MIRV's now, they can be made into MIRV's at some later date and we would never know the difference.

In addition, it is estimated that the number of SS–11's—which is a smaller missile than the SS–9—in operation or under construction by the Soviets is now more than 800. The Soviets have been flight testing this missile, and it now appears possible that a more accurate SS–11 reentry vehicle and an improved guidance system will be developed by the mid–1970's. No one knows, but that is the indication we have now. If this comes about, the SS–11 could also have a kill capability against our Minuteman silos.

Put simply, Mr. President, the Soviet Union now has enough ICBM ballistic missile launchers, either deployed or under construction, which, with qualitative improvements, could pose a serious and perhaps deadly threat to our Minuteman deterrent in the mid–1970's and beyond. These qualitative improvements, including improved accuracy for the SS–11 and an accurate MIRV for the SS–9, are well within the Soviet capabilities, and the Department of Defense advises that these qualitative improvements can be made much faster than we can develop and deploy a system to counter them. In other words, it appears to me that it is vital that we take appropriate steps now so that, in the not-too-distant future, we will not be in the position of having a vulnerable land-based Minuteman force.

Mr. President, this is not a new subject matter to me. Every year, for many years, I have followed the progress and development by us in trying to perfect an effective ABM. For a number of years I opposed the deployment of an ABM system or taking the step beyond research and development. Last year, however, two things combined to make me willing to move forward with deployment of the system. One was the realization of the pickup and tremendous spread of development and the increased strategic nuclear power of the Soviet Union that I have outlined, which has been confirmed further by the experiences of the last 12 months, and the indications of what their capacity probably would be by the mid-1970's and beyond.

Further, very fine advancements—not conclusive altogether, but very fine advancements—have continued to be made in the possible effectiveness of our ABM system.

Now, as I understand the testimony—and I have heard much of it this year, last year, and in years previous, but now I really carry more responsibility in this field than last year—almost all the witnesses agree that if the SS–9 threat—and it continues to grow—persists, we must have some kind of ABM system. Virtually all of these fine scientists admit that if it is within our possibility, and that we must have one, if things continue as they are going.

Mr. President, that is the starting point of my thinking.

Mr. President, when we get into the question of how far the system that we have has advanced, there is a difference of opinion as to whether it has gone far enough to deploy. Some say it is not worth a continental. But we cannot stop our thinking there, when a substantial number of eminent scientists agree that it has practical value and is coming along all right.

There is a difference of opinion among the scientists, and rather sharp, as to when an ABM system should be deployed. We have had a history of such skepticism. I shall refer to it in other instances in a few minutes, but the point is we cannot stop in discharging our duties merely because there is disagreement among this very fine group of scientists. We must move on beyond that, if it is reasonably possible.

Now, who has the responsibility in this field? It is all right to talk; it is all right to debate; it is all right to write; and it is all right for everyone to have an opinion about these things; but when we start out and go to looking to see where the minds are which have the truly great responsibility, we naturally look first to the man chosen as our Chief Executive who, under the Constitution, heads up and has the executive power and, furthermore, he has the great responsibility of being the Commander in Chief. He has put his opinion on the line, after having considered it, as well as from a great segment of his advisers, that he thinks this more probably fits in. That also includes those in the military and scientific field.

We can move in from any direction of responsibility we want to, and we will find some difference of opinion; but in the legislative branch, all of whom are equally sincere, we find the majority, after due consideration, have repeatedly thought we were going to have to contend with the problem; that there should be research and development on it; and that we would finally have to have one, if our weapons are going to survive, and survive for our protection.

The point is that the majority thought it was time to move forward. That is exactly where we are today. I respect greatly the opinions of those on the other side, but I am convinced—and I am a little slow to be convinced—that our duty, whatever doubt there may be, is to move forward. That this is what the bill proposes to do, in a relatively small way. But if we do not take those steps, conditions could be brought about where we would have only a vulnerable, land-based Minuteman force.

As I said a minute ago, these things have been before us, as well as before our predecessors. But this time it would really upset the balance of power if we fail to proceed. It could destroy our deterrent and confront us with a situation we could not tolerate. Our very survival may hinge on the decision we make this year—I repeat, this year—on Safeguard.

As I say, there is no such thing as certainty, but we have to move forward on the best judgment we have. Whether any of these missiles are fired or not, if we wake up 5 years from now and realize that we are on the short end of the stick and our adversaries have the power to overwhelm us, and we have not used this time to get ready for that, then the blackmail value of that situation, I guess, would be almost overwhelming.

In the family of nations, friendly or hostile, as is true with individuals, the person who knows he is outnumbered, who knows that he is overwhelmed by someone else's power, and who knows he does not have a chance, certainly has to knuckle under the very best way he can for the survival of his skin.

America has never been in that position. I pray that it never will be.

Mr. President, the impact of Safeguard deployment on the SALT talks has also been a matter of great discussion. These talks are now going on with the Soviet Union in Austria. I am not expecting any great things to come out of those talks even within the next year, although I may be wrong. But I do believe that some headway is being made in the way of attitude. When I talk about headway, I do not mean speaking in terms of disarmament because I do not believe there is any such thing in our time as disarmament. I am talking about headway towards arms limitation. It is my firm opinion—and this is not an overnight thought—that to defeat Safeguard in the Senate this year would be the worst possible setback that we could hand to the Strategic Arms Limitation Talks in Vienna. Defeat in this body would set off a fuse that would quickly alert the world, within less than a minute, that the word has gone out that after all, the United States of America has taken away from the President of the United States his main bargaining point—we might as well be frank about it. I believe that it will defeat all chances for success at this meeting, because it would clearly jerk the rug out from under our President just when some kind of strategic arms limitation agreement seems possibly on its way.

On the other hand, proceeding with the Safeguard defense would enhance the prospects of meaningful negotiations—and of success at the SALT talks—by permitting us to postpone hard deployment decisions on additional strategic offensive weapon systems this year. Deploying Safeguard would permit this restraint while providing a prudent hedge against moderate threats; and, at the same time, it preserves the option, if necessary, to meet a heavier threat. The committee's recommendations, I believe, enable us to purchase this needed insurance at a relatively modest expenditure in fiscal year 1971.

Mr. President, I realize that some knowledgeable scientists assert that the Safeguard will not work or will not be effective, as I mentioned a moment ago. Others assert that it must undergo a period of further development. However, a great many of the scientists who are familiar with the system agree that it is the most advanced anti-ballistic-missile system we presently have. That is what we have to work with—the most advanced system that we presently have—with the hope, of course, that, as we make progress in this field, something even better may be found. And the best prospect of that being done is to continue these efforts.

In the meantime, precious years would be burnt up. Precious years would be consumed by inaction. And that time could not be recalled.

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

Mr. STENNIS. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 6 minutes.

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

Mr. STENNIS. Mr. President, I respect the scientific judgment of these men, whether I agree or disagree with them. However, this is not a scientific judgment before us as to the ABM. It is a policy decision as to whether we should pursue the weapon which offers the greatest prospect of protecting our land-based ICBM deterrent force. We have had to move forward under similar circumstances in the past.

I do not suppose there is any Senator that ever came here equipped to make scientific judgments. The Congress was responsible for pushing and providing the impetus that led to the development and the production of the Polaris missile system. I will not go into the details on that, but it is a hard legislative fact of life that the legislative branch of the Government was the one that pushed the development and then the production. Now it is agreed that it is one of the great systems in the whole world.

Many thought that the hydrogen bomb could never be developed. Others even doubted the feasibility of the atomic bomb of World War II. Some thought and advised, including the top scientific adviser to President Truman, that the nuclear bomb could never be packaged small enough so that an ICBM could be developed to carry it to intercontinental ranges.

I remember when I first came here in 1947 that a very fine man, a distinguished scientist, pointed out to me that he perhaps had more information in the Government at the time in the field of weaponry than any man here. He was the one that advised that this nuclear bomb could never be packaged small enough or developed so that we could build an ICBM to carry to intercontinental ranges. However, these problems were overcome by continued and dedicated application of our technical know-how. I believe that that is what will happen with respect to Safeguard if we persevere.

In view of the threat to our Minuteman forces, and in the absence of a concrete agreement at SALT, I certainly believe that we must this year continue to press for the deployment of Safeguard to assure the survival of our Minuteman

deterrent. The limited deployment which the committee has recommended does not preclude agreement on a wide range of ABM levels. It can be modified as required by changes in the threat which might result from a SALT agreement. Further, many possible agreements could include some form of missile defense for purposes consistent with the objectives of both countries.

In the meantime, I feel very strongly that we should continue this defensive strategic program in the clear interest of national security.

Mr. President, at the risk of some repetition, I warn again, as strongly as I can, that a vote in the Senate against the ABM means sudden death at this sitting, at least, of the SALT talks in Vienna.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The message also announced that the House had passed a joint resolution (H.J. Res. 1336) to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 914. An act for the relief of Hood River County, Oreg.; and

H.J. Res. 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

CONTINUING APPROPRIATIONS, 1971

Mr. ELLENDER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 1048, House Joint Resolution 1328.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1328) making further continuing appropriations for fiscal year 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ELLENDER. Mr. President, the Committee on Appropriations, at its meeting today approved the resolution, which merely extends the expiration date of the current resolution from July 31—this Friday—until October 15, 1970. Since only two of the annual appropriation bills have been enacted—the District of Columbia appropriation bill and the Department of the Interior and related agencies appropriation bill—it is essential that this resolution be approved in order to assure the continued functioning of those agencies of Government whose annual bills have not been processed to completion.

As I have mentioned, two of the bills have been enacted. One other, the Office of Education appropriation bill cleared the Congress earlier this week, and, in addition, the conferees on the Independent Offices-HUD appropriation have agreed to the filing of a conference report. The legislative branch appropriation bill is currently in conference, and all other bills, with the exception of the Department of Defense bill which is in the House committee awaiting authorization and the Department of Agriculture bill which is awaiting conference with the House, are in the Senate committee. Further details on the status of these bills are contained in the report which is before us.

Mr. President, yesterday, when we filed the report, I outlined in detail the situation as to all appropriation bills. Since this report was filed, I understand that the conferees have agreed on the legislative bill. Next week, I am hoping that two or three other bills will be presented to the Senate for consideration.

Mr. HART. Mr. President, concern has been expressed that in agreeing to House Joint Resolution 1328, continuing appropriations through October 15, 1970, the Congress could be providing funds for activities which we had not intended to authorize.

As an example, last year the Congress approved funds for the Safeguard antiballistic-missile system. Although neither the law authorizing the expenditure—Public Law 91–121—nor the law appropriating the funds—Public Law 91–171—restricts the Department of Defense to phase I at Grand Forks, N. Dak., and Malmstrom, Mont., the intent of Congress was made clear by both committee reports and by the discussion on the Senate floor.

For example, the report of the Senate Armed Services Committee on the 1970 military procurement bill—Senate Representative 91–290—states on page 25:

It should be noted that all of the above programs relate only to Phase I of the Safeguard program which include only the Minuteman sites at Grand Forks and Malmstrom.

And the report of the Senate Appropriations Committee on the Department of Defense appropriation bill—Senate Representative 91–607—similarly refers only to Grand Forks and Malmstrom.

Admittedly, Mr. President, neither the committee reports nor the floor debate legally bind the Department of Defense to confine its ABM installation work to Grand Forks and Malmstrom. But, I ask the distinguished chairman, Senator ELLENDER, whether we have any assurance from the Department of Defense that it intends to honor the intent of the Congress in this respect.

Mr. ELLENDER. Mr. President, having anticipated the question of the distinguished Senator from Michigan (Mr. HART), with respect to the use of funds for the ABM, I consulted the Comptroller of the Department of Defense, and his response to the inquiry from the Committee on Appropriations, is as follows:

The Office of the Assistant Secretary of Defense (comptroller), in response to an inquiry from the Committee on Appropriations U.S. Senate, affirms that there is no intent to obligate funds specifically for the proposed third site for the Safeguard program (Phase II, modified) during the period of the Continuing Resolution authority prescribed in H.J. Res. 1328.

Mr. HART. I thank the Senator.

Mr. ELLENDER. Mr. President, also in anticipation of the question which was propounded to me by the Senator from Arkansas (Mr. FULBRIGHT) as to the foreign military credit sales program, let me say that there is no intention to use any of those funds in order to carry on that program unless specifically appropriated.

Mr. President, I ask unanimous consent to have printed in the RECORD that part of the report which refers to the foreign military credit sales program, which appears on pages 2 and 3.

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

FOREIGN MILITARY CREDIT SALES PROGRAM

In accord with the policy of many years, the emphasis in a continuing resolution is on the continuation of existing projects and activities at the lowest of one of three rates: the current rate, the budget request where no action has been taken by either House, or the more restrictive amount adopted by either of the two Houses. The thrust of a resolution is to keep the Government functioning on a minimum basis until funds for the full year are otherwise determined upon. Historically, the term "current rate" has been the rate of the prior fiscal year. In those exceptional cases where a program has been temporarily continued under a continuing resolution under the policy described above and when, subsequently, no annual appropriation for that fiscal year, is made by the Congress in the regular bill, there is no "current rate". Although funds may have been obligated under a continuing resolution, the fact that Congress ultimately denied a specific annual appropriation precludes a "current rate".

There was an appropriation for the foreign military credit sales program for fiscal year 1969. The continuing resolutions for fiscal year 1970 continued the program temporarily. However, there was no regular annual specific appropriation for fiscal year 1970 and, consequently, the program was without obligational authority at the end of the continuing resolution period, which was the end of January 1970. The program stopped as of that date. The continuing resolution for fiscal year 1971, beginning July 1, 1970, does not grant authority for the resumption of this program. The program did not have a current rate in fiscal year 1970 and it is suspended until such time as the Congress makes a specific appropriation therefor.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 1328) was ordered to a third reading, read the third time, and passed.

Mr. ELLENDER. Mr. President, I move that the vote by which the conference report was adopted be reconsidered.

Mr. BYRD of West Virginia. Mr. Pres-

ident, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed too.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under previous order, the Senate will now proceed to the consideration of routine morning business, with a limitation of 3 minutes on statements.

RETIREMENT OF EDWARD E. MANSUR, JR., LEGISLATIVE CLERK

Mr. GURNEY. Mr. President, as we all know, Mr. Edward E. Mansur, Jr., otherwise and better known as Ted Mansur, the legislative clerk of the Senate, is about to retire. In fact, tomorrow will be his last day on duty.

I understand there will be time for remarks tomorrow on the occasion of his retirement, but it may be likely that I shall be away, so I take this occasion to make my remarks now.

As a new Senator, I have only worked with Ted for about 18 months, but many of my distinguished senior colleagues have known him, liked him, and worked with him for a much longer period. Ted Mansur has in fact served the Senate and the country as legislative clerk for 23 years, since December of 1947. Throughout the postwar period—through this period of incredible growth and dynamism—years of turmoil and difficulty for the Republic—Ted Mansur served this Chamber and its Members with honor and distinction, with objectivity and precision.

Ted was only 30 years old when he took his job in December of 1947. He succeeded John Crockett, "Uncle" John Crockett, who had held the post for 40 years—beginning in the first decade of this century—during the administration of Theodore Roosevelt. Mr. Crockett, I am told, was one of the last gentlemen to wear frock coats into the Senate.

The combined service of Ted Mansur and his predecessor, John Crockett, reaches back 63 years in the life of our Republic—an incredible span of years.

Ted Mansur brought excellent credentials to his post in 1947. He was first in his class at the University of Missouri Law School, where he was graduated in 1941. He was a member of Coif, the editor of the Law Review in his senior year, and he served as a clerk to a judge of the Federal Circuit Court of Appeals immediately after graduation.

During World War II, Ted was a navigator with the U.S. Navy, serving on antisubmarine patrol for 3 years. After the war, he was in private practice in his native Missouri until the Senate very wisely convinced him to come to Washington in 1947.

Ted Mansur worked with the great men who served in the Senate in the postwar years. Many of these illustrious Senators who are now deceased were his personal friends and he was their friend: Senator Robert Taft; Senator Tom Connally; Senator Arthur Vandenburg; our late beloved President, who was then Senator John Kennedy; Senator Theodore Francis Green; Senator Pat McCarran; Senator Alexander Wiley, and dozens more. As a matter of fact, as a private joke, Ted and the late Arthur Vandenburg used to exchange doodles each had made during debate—Ted's were characteristically geometrical and precise; Senator Vandenburg's were more free flowing and expansive.

The best word I can use to sum up Ted Mansur is "professional." He is a pro in the sense Mickey Mantle was or Arnold Palmer is—he does all the right things all the time—instinctively.

Now Ted Mansur is leaving—for the rest he deserves. He and his charming wife, Carolyn, and their daughters, Leslie and Carter, will keep their Alexandria home as home base—a base of operations for their boating trips. I have been told that his new boat is an extraordinary craft—at least that is how Ted describes it—all superlatives.

Ted leaves the Senate rich in friends, rich in memories, and rich in the respect of his colleagues and associates. We, his friends, will miss him. I know that all of the Members of the Senate, past and present, are indebted to him for his long and honorable services in this body, and we all wish him well as he leaves.

Thank you, Mr. President, and as one Senator, thank you, Mr. Ted Mansur.

THE PRESIDENT'S POPULARITY SCORE

Mr. DOLE. Mr. President, I have a copy of the most recent Gallup poll, and I wish to call its significant and encouraging findings to the attention of the entire Senate.

Briefly, it shows that 61 percent of the American people now approve of the way President Nixon is doing his job.

Mr. President, that is a amazing figure, considering that it is a 6-percent increase over last month and puts approval of the President at a 5-month high.

The poll shows that beyond question the President has a significant reservoir of support in the country for his decisions to settle for nothing less than an honorable peace in Vietnam and a victory over inflation and unrest at home.

I think the poll also carries a message to those who have been sniping at him from both the left and the right in recent weeks. And that message is that the American people want a President who sets out to do the right thing, not the expedient thing; a President who leads, not follows; a President who can ignore the carpers and the critics in order to make the tough decisions that benefit the Nation as a whole, not any one special group.

Mr. President, the Gallup poll carries a heartening message for those who support the President in his endeavors. It carries another kind of message, I am sure, for those who seek surrender abroad and division at home.

I ask unanimous consent to have printed in the RECORD the article entitled "Nixon Popularity Increases in Poll," published in the New York Times under dateline of July 29, 1970.

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

NIXON POPULARITY INCREASES IN POLL

PRINCETON, N.J., July 29—Public confidence in President Nixon is at its highest level in five months, the Gallup Poll reported today.

A majority of 61 per cent in the latest survey say it approves of the way Mr. Nixon is handling his job as President—a six-point increase over his rating in the previous survey conducted June 19 through 21.

The President's gain in popularity between the two surveys has occurred in all four major regions of the nation, with the greatest gain (11 per cent) recorded in the South. Apparently Mr. Nixon has been little hurt in the South by the Administration's tougher stance on school desegregation in that region in recent weeks.

Nearly 7 in every 10 Southerners polled said they approved of the President's performance.

The following question was asked of a representative sample of 1,523 adults, interviewed in person in a survey conducted July 10 to 12 in more than 300 scientifically selected localities across the nation:

Do you approve or disapprove of the way Mr. Nixon is handling his job as President?

Following are the national results and trend since the beginning of this year:

[In percent]

	Approve	Disapprove	No opinion
July 10–12	61	28	11
June 30: All U.S. forces withdrawn from Cambodia:			
June 19–21	55	31	14
May 22–25	59	29	12
May 2–5	57	31	12
Apr. 30: Decision to send U.S. forces to Cambodia:			
Apr. 17–19	56	31	13
Mar. 20–22	53	30	17
Feb. 28–Mar. 2	56	27	17
Jan. 16–19	63	23	14
Jan. 2–5	61	22	17

COMPARISON OF THE LATEST REGIONAL RESULTS WITH THOSE FROM THE EARLIER SURVEY

[In percent]

	Late June	Latest
East:		
Approve	53	57
Disapprove	34	31
No opinion	13	12
Midwest:		
Approve	53	58
Disapprove	33	33
No opinion	14	9
South:		
Approve	57	68
Disapprove	24	20
No opinion	19	12
West:		
Approve	56	63
Disapprove	35	29
No opinion		

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and these bills have been cleared—that the Senate proceed to the consideration of Calendar Nos. 1042, 1043, 1044, and 1045.

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

S. SGT. LAWRENCE F. PAYNE, U.S. ARMY (RETIRED)

The bill (H.R. 14619) for the relief of S. Sgt. Lawrence F. Payne, U.S. Army

(retired), was considered, ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA HEALTH IMPROVEMENT ACT

The Senate proceeded to consider the bill (S. 3648) to provide improvements in the administration of health services in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments, on page 5, line 16, after the word "the", to insert "Superior Court of the"; in line 17, after the word "Columbia", to strike out "Court of General Sessions"; in line 20, after the section number, to strike out "This title shall be effective ninety days after enactment." and, in lieu thereof, insert "This title shall be effective July 1, 1971."; on page 6, after line 5, to insert a new section, as follows:

SEC. 302. Nothing in this Act shall be construed to prohibit the administering of a tuberculin test by a private physician licensed to practice in the District of Columbia in lieu of a test administered by the government of the District of Columbia.

After line 10, to insert a new section, as follows:

SEC. 303. No vaccination, immunization, or tuberculin test shall be required of any child whose parent or guardian objects thereto in writing on grounds that such vaccination, immunization, or tuberculin test is contrary to his religious teaching and practices.

On page 7, after line 16, to strike out:

TITLE V EXEMPTION OF MEDICAL AND DENTAL OFFICERS OF THE DISTRICT OF COLUMBIA FROM THE DUAL PAY AND CONFLICT OF INTEREST STATUTES

SEC. 501. Subsection (d) of section 5533 of title 5, United States Code, is amended (a) by striking out "and" at the end of clause numbered (6); (b) by striking out the period at the end of clause numbered (7) and inserting in lieu thereof "; and"; and (c) by adding the following clause numbered (8): "(8) pay received by a medical or dental officer for employment in public health programs of the Government of the District of Columbia."

SEC. 502. Officers and employees engaged in rendering medical or dental services in public health programs of the government of the District of Columbia and paid in whole or in part by fees received from private practice or out of funds contributed by medical schools, or from grants contributed by private foundations and the persons, corporations, or associations paying such fees or making such contributions, shall not be subject to the provisions of section 209 of title 18, United States Code.

On page 8, at the beginning of line 1, to strike out "Title VI" and insert "Title V"; and at the beginning of line 4, to strike out "SEC. 601." and insert "SEC. 510."; so as to make the bill read:

S. 3648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Health Improvement Act".

TITLE I—AMENDMENT TO SECTION 21–501 OF THE DISTRICT OF COLUMBIA CODE

SEC. 101. Section 21–501 of the District of Columbia Code (relating to the hospitalization of the mentally ill) is amended by inserting immediately before the period at the end of the definition of "public hospital", the following: ", and any facility operated or supervised by the District of Columbia which is utilized for the care and treatment of mentally ill persons".

TITLE II—AMENDMENTS TO THE MILK ACT

SEC. 201. The Act entitled "An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes", approved February 27, 1925 (43 Stat. 1004–1008; D.C. Code, secs. 33–301 through 319), is amended to read as follows:

"SECTION 1. None but pure, clean, and wholesome milk, cream milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government shall be produced in, or be shipped into, the District of Columbia.

"SEC. 2. As used in this Act—

"(a) The term 'person' includes, in addition to individuals, firms, associations, partnerships, and corporations.

"(b) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agents.

"(c) The term 'District' means the District of Columbia.

"SEC. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of said permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on the 1st day of January of each calendar year thereafter. Application for said permit shall be in writing upon a form prescribed by the Commissioner.

"SEC. 4. The Commissioner is hereby authorized and empowered to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of the milk, cream, milk product, or frozen dessert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of said permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

"SEC. 5. Nothing in this Act shall be construed to prohibit the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare; or to prohibit the shipment into the District of milk or cream for manufacture into frozen desserts, and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

"SEC. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a customer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

"SEC. 7. The Commissioner is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

"SEC. 8. The District of Columbia Council is hereby authorized to make from to time all such reasonable regulations or standards consistent with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations or standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

"SEC. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

"SEC. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than $300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

SEC. 202. This title shall be effective July 1, 1971.

TITLE III—TUBERCULIN TESTING OF SCHOOL CHILDREN

SEC. 301. Section 274 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 31–1102) is amended by adding at the end thereof the following: "Each child, prior to enrollment in kindergarten or admission to the first grade of the public schools, shall be given a tuberculin test by the government of the District of Columbia."

SEC. 302. Nothing in this Act shall be construed to prohibit the administering of a tuberculin test by a private physician licensed to practice in the District of Columbia in lieu of a test administered by the government of the District of Columbia.

SEC. 303. No vaccination, immunization, or tuberculin test shall be required of any child whose parent or guardian objects thereto in writing on grounds that such vaccination, immunization, or tuberculin test is contrary to his religious teachings and practices.

TITLE IV—AMENDMENT OF THE ACT RELATING TO HOSPITAL LIENS

SEC. 401. The first section of the Act entitled "An Act to establish a lien for moneys due hospitals for services rendered in cases caused by negligence or fault of others and providing for the recording and enforcing of such liens", approved June 30, 1939, as amended (D.C. Code, sec. 38–301), is amended by striking out "or the District of Columbia," where such term first appears, and by inserting immediately before the word "which" the following: "and any hospital, institution, or facility operated by the government of the District of Columbia, whether in the District of Columbia or elsewhere".

TITLE V—AMENDMENT OF THE ACT REGULATING THE PRACTICE OF THE HEALING ART

SEC. 501. Section 25 of the Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929 (D.C. Code 2–121), is amended by striking out the proviso.

The amendments were agreed to.

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

DISTRICT OF COLUMBIA FREEWAY AIRSPACE UTILIZATION ACT

The Senate proceeded to consider the bill (S. 3647) to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment, on page 6, line 8, after the word "organization", to strike out the comma and "such as a hospital, welfare agency, or the like,"; so as to make the bill read:

S. 3647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Freeway Airspace Utilization Act."

SEC. 2. When used in this Act—

"Airspace" means so much of the space above, on, and below freeway rights-of-way as is not needed for freeway purposes.

"Commissioner" means the Commissioner of the District of Columbia.

"District" means the District of Columbia.

"Freeway" means any limited access divided highway within the District.

"Right-of-way" means land, property, or interest therein acquired for or devoted to a freeway, including connecting ramps.

"United States" means the Government of the United States or any department or agency thereof, including, without limitation, any agency established or authorized to be established by Act of Congress or by interstate compact to which consent of Congress is given.

"Council" means the Council established pursuant to part II of Reorganization Plan Numbered 3 of 1967.

SEC. 3. The Commissioner is hereby authorized—

(a) to make or permit such use of airspace in the District for any municipal purpose, including, without limitation, housing for low-income families, public welfare, public works, park, recreational, and vehicle parking, as will not be detrimental to or impair the efficient use, operation, and maintenance of any freeway;

(b) to enter into contracts or agreements with the United States for the use of airspace and for the purpose of receiving, or qualifying any permittee or lessee to receive, grants or other financial assistance under available Federal programs in connection with the construction, use, or operation of buildings, structures, and other things therein;

(c) to enter into agreements with the United States for the granting to the United States of easements to use airspace for the purpose of constructing therein Federal public buildings and for such purposes as may be agreed upon. Such easements shall, for the purposes of section 355 of the Revised Statutes of the United States, as amended (40 U.S.C. 255), be deemed sufficient and valid title in the United States in the areas in which are to be constructed public buildings or other facilities; and

(d) to enter into leases of, or grant revocable permits for, the use of airspace in the District, including rights of or for support, access, utilities, light and air to an extent not inconsistent with the use of a freeway by the general public for the purpose of travel, and, in connection with any such lease or permit, to impose such terms and conditions including, but not limited to, the deposit of bond or other security, and to provide for the payment of such rents or fees as the Commissioner may, in his discretion, determine to be necessary or desirable, but the Commissioner may, in connection with the entry into a lease, or the granting of a permit, for the use of such airspace, provide as conditions of any such lease or permit (1) that such airspace shall not be used by the lessee or permittee in such manner as to deprive of its easements of light, air, and access any real property not owned or controlled by such lessee or permittee, and (2) that upon the expiration of the lease or permit and of any renewal thereof, any building or other structure which may have been constructed in such airspace shall, at the direction of the Commissioner, be removed therefrom by and at the expense of the lessee or permittee or his successor in interest, and the airspace shall be restored to the condition which obtained prior to the construction of such building or other structure, all to the satisfaction of the Commissioner.

SEC. 4. (a) The authority contained in section 3 shall be exercised by the Commissioner in furtherance of the Comprehensive Plan for the National Capital prepared pursuant to the National Capital Planning Act of 1952 (40 U.S.C. 71) and in the following order of priority:

(1) The Commissioner shall determine whether such space is required for a municipal purpose, as authorized by subsection (a) of section 3, and if he determines the space is so required, he is authorized to make such use of it.

(2) The Commissioner shall ascertain, through the Executive Director of the National Capital Housing Authority established by the Act approved June 12, 1934 (48 Stat. 930), whether such space is required for the construction therein of dwellings for low-income families at rents in accordance with their incomes, and if the Commissioner finds that such space is so required he is authorized, with or without charge, to make it available for such construction by granting an easement to use such space, and such easement shall constitute sufficient and valid title in the Authority or in the United States, or in any private developer under contract to convey the completed property to the Authority, as the case may be, to construct therein buildings or other facilities. The use of such space by the Authority shall be subject to such agreement as the Authority has entered into with the District respecting the making of payments in lieu of taxes.

(3) The Commissioner shall ascertain through the Administrator of General Services, whether the United States (other than the National Capital Housing Authority) requires such space for the construction therein of a building, other structure, or facility, and if such space is so required, the Commissioner is authorized to make it available without charge to the United States, or on the basis of such charge as may be agreed upon between the Commissioner and the United States.

(4) The Commissioner shall determine whether such space should be leased to a public or private developer to provide housing for low- and moderate-income individuals and families, and if the Commissioner so determines, he may include in such lease, or make such permit subject to, an agreement whereby a preference in admission to the housing will be given to low- and moderate-income individuals and families displaced by urban renewal activities or as a result of other governmental action.

(5) The Commissioner shall determine whether such space should be leased to a nonprofit organization for the construction therein of a building, other structure, or facility to be used in connection with the activities of such organization.

(6) The Commissioner shall determine whether such space should be made available for business purposes, including, without limitation, housing for individuals and families.

(b) In connection with the lease of such space either for housing for low- and moderate-income families and families displaced from urban renewal areas or as a result of governmental action, or for use by nonprofit organizations or for business purposes, the Commissioner is authorized to lease the space either on the basis of competitive bids or on a negotiated basis, as the Commissioner determines is in the best interests of the District and of the general public.

SEC. 5. For the purposes of this Act, airspace, and buildings, structures, and improvements constructed or erected within such airspace, pursuant to a lease or permit, shall be deemed to be real property and be liable to assessment and taxation as such from the beginniing of the term or period of such lease or permit. For the purposes of real property assessment and taxation, the value of such airspace, other than any building, structure, or improvement constructed or erected therein, shall be deemed to be the value of the underlying land as if the same were not occupied and used for public purposes. No such tax shall be assessed with respect to any airspace and buildings, structures, and improvements therein (1) for which the United States has been granted an easement (but nothing herein contained shall be construed to abrogate such agreement as the United States may have entered into, or may enter into, with the District with respect to making payments in lieu of real property taxes) or used for the purposes specified in subsections (a), (b), and (c) of section 3 of this Act; or (2) occupied and used by one or more organizations exclusively for a purpose or for purposes which, under section 1 of the Act of December 24, 1942 (56 Stat. 1089), as amended (D.C. Code, sec. 47–801a), would entitle real property so occupied and used to be exempt from taxation. Except as otherwise provided in this section, for the purposes of this Act the provisions of law applicable to special assessments for public improvements, and the provisions of law applicable to sanitary sewer service charges and to water service charges, shall be applicable with respect to airspace and buildings, structures and improvements therein used pursuant to a lease entered into with, or permit granted to, a lessee or permittee under the authority of subsection (d) of section 3 of this Act. The leasehold or permit interest in any airspace so leased or granted, including any building, structure or improvement constructed or erected therein, shall, in cases of nonpayment of real property taxes, nonpayment of special assessments for public improvements, and nonpayment of sanitary sewer service or water service charges, be subject to private, outright sale by the District, without any right in the lessee or permittee to redeem the leasehold or permit interest so sold: *Provided,* That the proceeds from such sale in excess of such delinquent taxes, assessments, or charges, or a combination thereof, including any interest, penalties and costs relating thereto, shall be paid by the District to the lessee or permittee, or to such person as he may, in writing, designate.

SEC. 6. (a) Prior to the entry by the Commissioner into any agreement or lease, or his granting of any permit for the use of airspace, the following actions, except with respect to the construction of public buildings by the Federal or District of Columbia government, shall be taken:

(1) The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, shall have determined the use to be permitted in such airspace and shall have promulgated regulations pertaining thereto, including but not limited to, limitations and requirements respecting the height of any structure to be erected in such space, off-street parking and floor area ratio, which limitations and requirements need not be the same as those provided for properties not within airspace. The provisions of section 10 of the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938 (52 Stat. 800; D.C. Code, sec. 5–422), shall be applicable to regulations made pursuant to this section and to violations of such regulations.

(2) The lessee or permittee shall have submitted to the Commissioner and the Zoning Commission for their review and approval, plans, elevations, sections, and a scale model for any structure to be erected in such airspace, and description of the texture, material, and method of construction of exterior walls.

(3) The Commissioner shall have determined that all necessary precautions will be taken to insure adequate protection from air pollution, dirt, noise, light, and glare emitted by vehicles using the freeway. In making such a determination, the Commissioner shall assume a volume of freeway traffic equal to capacity.

(b) (1) The provisions of section 16 of the Act approved June 20, 1938 (52 Stat. 802), as amended (D.C. Code, sec. 5–428), shall be applicable to the construction of Federal public buildings in like manner as if the buildings were constructed entirely on property owned by the United States, and, to the extent that such section is, by subsection 5(c) of the National Capital Planning Act of 1952, as amended (40 U.S.C. 71d(c)), made applicable thereto, such section 16 shall also be applicable to the construction by the District of Columbia of any building.

(2) Plans for construction in airspace by the Federal or District Governments shall be subject to consultation, advice, and recommendation of the National Capital Planning Commission in accordance with the National Capital Planning Act of 1952, as amended (40 U.S.C. 71 et seq.).

(3) Plans for construction in airspace shall be subject to review and recommendation of the Commission of Fine Arts to the extent required by, and in accordance with the Act approved May 16, 1930 (46 Stat. 366), as amended (D.C. Code, secs. 5–410 and 411), the Act approved September 22, 1950 (64 Stat. 903; D.C. Code, title 5, chapter 8), and Executive orders dated October 25, 1910, and November 28, 1913.

(c) Whenever the Commissioner shall find that there is any significant change in, or substantial modification of, the plans for the proposed structure after such plans have been approved in accordance with the requirements of the preceding subsections of this section and of section 3, or if, after the construction of the structure, he finds there is any significant change in, or substantial modification of, the structure or the use made of it, each such change or modification shall be subject to approval by the agencies specified in this section, as their interests may appear, in like manner as is set forth in subsections (a) and (b) of this section.

SEC. 7. The cost of removing or relocating publicly owned and privately owned facilities in a street, highway, or alley, including, without limitation, water lines and sewers, to the extent that any such removal or relocation is required in connection with the construction of a building in airspace under the authority of this Act, other than a building constructed by or on behalf of the District, shall not be borne by the District, but the cost of any such removal or relocation shall be defrayed by another or by others than the District in accordance with such arrangements as may be acceptable to the Commissioner and be approved by him in writing. The removal or relocation by the District of sewers and water mains, and the removal or relocation of any other facilities in such space, shall be in accordance with plans and schedules approved by the Commissioner.

SEC. 8. Except as provided in section 6, laws and regulations now or hereafter in effect in the District and applicable to the construction, use, and occupancy of buildings and premises, including, but not limited to, building, electrical, plumbing, housing, health, and fire regulations, shall be applicable to buildings, structures, and improvements erected in airspace under lease or agreement entered into or permit issued pursuant to this Act.

SEC. 9. (a) The Council is authorized, after public hearing, to promulgate regulations to carry out the purposes of this Act.

(b) Any regulations adopted under the authority of this section may provide for the imposition of a fine of not more than $300 or imprisonment for not more than ninety days, or both such fine and imprisonment, for any violation of such regulations. Prosecutions for violations of regulations made pursuant to this section shall be conducted in the name of the District by the Corporation Counsel or any of his assistants.

(c) Whenever there exists any violation or failure to comply with regulations adopted under the authority of this Act, or regulations specified in section 8 of this Act, after notice of such violation or failure has been given by the Commissioner, each and every day such violation exists, or each and every day beyond a time limit set for compliance during which there is failure to comply fully with any of the said regulations or with orders issued pursuant to the authority contained therein, shall constitute a separate offense, and the penalty specified for the violation of such regulation shall be applicable to each such separate offense.

SEC. 10. All collections, including rents and fees, received by the District pursuant to this Act shall be deposited in the Treasury of the United States in a trust fund which is hereby authorized and from which may be paid, in the same manner as is provided by law for other expenditures of the District, such expenditures as are necessary to carry out the purposes of this Act, including, without limitation, necessary expenses connected with the operation, maintenance, and disposition of property coming into the possession of the District by reason of default under leases entered into or permits issued pursuant to this Act: *Provided*, That taxes (including payments in lieu of taxes), special assessments, and sanitary sewer and water service charges shall be deposited directly to the respective funds to which such revenues are normally deposited. The unobligated balance in such trust fund as of June 30 of any year which exceeds $100,000 shall be deposited in the Treasury to the credit of such special funds or the general fund of the District in such proportions as the Commissioner shall, in his discretion, determine.

SEC. 11. Nothing in this Act shall be construed so as to affect the authority vested in the Commissioner of the District by Reorganization Plan Numbered 3 of 1967 (81 Stat. 948). The performance of any function vested by this Act in the Commissioner or in any office or agency under the jurisdiction and control of said Commissioner may be delegated by the Commissioner in accordance with section 305 of such plan.

SEC. 12. Nothing in this Act shall be construed as modifying or superseding title 23, United States Code: *Provided*, That the use of public space under the authority of this Act shall not be deemed to deprive the District of its eligibility for financial assistance under any federally assisted program, regardless of the fact that the District may, in the case of a privately owned building, receive rental for the use of such public space.

SEC. 13. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provision, and to this end the provisions of this Act and the said regulations are separable.

SEC. 14. Appropriations to carry out the purposes of this Act are hereby authorized.

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 HIGH-SPEED GROUND TRANSPORTATION ACT

The bill (S. 3730) to extend for 1 year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 11 of the Act entitled "An Act to authorize the Secretary of Transportation to undertake research and development in high-speed ground transportation", approved September 30, 1965 (Public Law 89–220; 79 Stat. 893; 49 U.S.C. 1631–1642), as amended, is amended by striking out ", and" and the period at the end thereof and inserting a semicolon and the following: "and $21,700,000 for the fiscal year ending June 30, 1971.".

(b) The first sentence of section 12 of such Act of September 30, 1965, as amended, is further amended by striking out "1971" and inserting in lieu thereof "1972".

SENATE RESOLUTION 436—RESOLUTION TO AUTHORIZE THE APPOINTMENT OF COUNSEL TO REPRESENT THE SENATE IN AMICUS CURIAE CAPACITY IN JUDICIAL PROCEEDINGS INVOLVING THE CONSTITUTIONALITY OF PUBLIC LAW 91–285

Mr. MANSFIELD. Mr. President, at the direction of the Democratic Policy Committee and with its unanimous approval, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CRANSTON). The resolution will be stated.

The assistant legislative clerk read the resolution, as follows:

S. RES. 436

Resolution for appointment of counsel to represent the Senate in amicus curiae capacity in appropriate judicial proceedings wherein constitutionality of the statute lowering the voting age to 18 is contested, and for other purposes

Whereas section 302 of Public Law 91–285 provides in pertinent part that "Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older"; and

Whereas by vote of 64–17 the Senate had approved section 302 of Public Law 91–285 as an amendment to the Voting Rights Act Amendments of 1970, thus overwhelmingly affirming its conclusion that this action could be taken under the Constitution by statute; and

Whereas it is in the national interest that constitutional issues inherent in section 302 of Public Law 91–285 be judicially decided expeditiously and it is anticipated that proceedings contesting these issues will soon reach the Supreme Court; Therefore, be it hereby

Resolved, That counsel be appointed by the President pro tempore to represent the United States Senate in an appropriate manner in any judicial proceedings wherein the constitutionality of Public Law 91–285 is contested.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is my understanding correct that if an objection were raised at this time, the resolution would automatically go on the calendar?

The PRESIDING OFFICER. It would go over under the rule, and would come down during the morning hour on the following legislative day, be debated until 2 o'clock, if not agreed to, and then go to the calendar.

Mr. MANSFIELD. Mr. President, it is my understanding that there was a possibility that a certain Senator would have been present in the Chamber today, had he not been detained on official business, and might have raised an objection.

Therefore, I ask unanimous consent that the pending resolution be placed on the calendar, as it would have been had an objection been raised under the stipulations stated by the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not think I shall object—I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Would it not be generally in order for such a resolution to be referred to a committee?

The PRESIDING OFFICER. If no Senator asked for its immediate consideration, and no objection were made, it would go to a committee.

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

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

Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The resolution will be placed on the calendar.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it is my understanding that the day before yesterday, on Tuesday, the Committee on Foreign Relations considered the Genocide Treaty which has been pending before that committee for more than 20 years. This is, in point of history, the oldest human rights treaty that has been pending before the Senate.

Every President of the United States since President Truman, including President Nixon, has pleaded with the U.S. Senate to ratify that treaty. President Nixon has made a fervent eloquent appeal to the Senate to ratify it.

The Senator from Idaho (Mr. CHURCH) was appointed by the Senator from Arkansas (Mr. FULBRIGHT), as chairman of a subcommittee to consider the Genocide Treaty. He did so and held hearings on it, and on Tuesday the Foreign Relations Committee discussed whether or not to report the treaty at that time to the floor. I regret to say that it was the decision of the Foreign Relations Committee to defer reporting the treaty. It was clear that there was majority sentiment in the committee in favor of the treaty. But, the feeling was that they should await implementing legislation from the administration and that they should wait for other reasons before the treaty actually comes to the floor.

My judgment, however, is that there is an excellent chance that the treaty will be reported. I think it will be reported later this year, and I hope that if we do not act on it this year, we may act on it early next year. It has been a long wait.

There is no question that the overwhelming majority of Americans, in my view, would enthusiastically support this treaty. Every major country in the world has already ratified the treaty. We stand alone among the great nations of the world that has not ratified the Genocide Treaty, although we were the country that secured the action by the United Nations setting the treaty ratification process in motion.

I think we are making progress, and I think there is a real chance that, at long last, the Senate will take the step for which I have pleaded on the floor of the Senate every day for three and a half years.

IS NOT PEACE, IN THE LAST ANALYSIS, BASICALLY A MATTER OF HUMAN RIGHTS?—JOHN F. KENNEDY, 1963

Mr. PROXMIRE. Mr. President, the closeness of our modern world and the interrelationship of public policy has forced all of us to see the interdependencies of our actions on this floor. As President Kennedy once said, we must be able and willing to sense the effects of our actions and reactions. World peace, at best, is a most fragile, volatile, and tenuous commodity whose preservation requires an awesome degree of perception and sensitivity from us all.

The Genocide Convention is yet another example of a stepping stone to peace for all, through an acknowledgement of the inherent worthiness and dignity in all of the world's children. Mr. President, Senate ratification of the Genocide Convention is a forward step, an initiative, a move of conscience, by a nation whose actions, as a world power, must match its all too frequent rhetoric.

We all have a stake in the quest for world peace. Insofar as we are all part of the family of man, we must share the responsibilities. Ratification of the Convention on Genocide by the Senate would take us one step further in the quest for world peace through confidence in the integrity and sense of humanity of the United States. We have a great responsibility, Mr. President, to place our power behind the words of our late President when he asked:

Is not peace, in the last analysis, basically a matter of human rights?

THE OIL IMPORT QUOTA PROGRAM

Mr. HANSEN. Mr. President, the confirming vote by the House Ways and Means Committee on the oil import quota program is a vote in favor of the U.S. consumer in spite of opposition cries to the contrary.

It is a matter of simple arithmetic that oil product prices would be even higher than they are had the tariff plan recommended by a majority of the Oil Import Task Force been adopted.

I cannot believe that the President would ever approve such a plan, but the advocates of the tariff plan seem to be adamant in their continued insistence on trade policies that would depress and control prices without regard to costs or capital requirements of domestic industries.

The vote of 17 to 7 by the committee in nailing the quota program into the national security clause upon which the oil import program is based indicates to me that the committee members are more concerned or, at least, better informed about the effects of imports than are some administration spokesmen.

If a serious natural gas or heating oil shortage develops this winter, it will be the oil and gas companies who will get the blame rather than the Government policies that have been the real cause.

Those who say that the very reasonable quota legislation proposed by the Ways and Means Committee will result in higher prices, fewer product choices, reduced competition and a limited supply of imported products apparently have not studied the effects of quota laws or agreements that now apply to a wide range of products. These include, in addition to oil, sugar, cotton and cotton textiles, wheat and dairy products. The prices of products that are "protected"

by import quotas have risen at rates below average increases and far behind prices on some products not under import quota limitation.

Mr. President, those who cry that import quotas would be costly to consumers should examine some other causes. A good example is the case of beef which is under quotas, although the limit was exceeded this year.

Beef prices have risen since the quota law was passed in 1964. But the price the farmer and rancher receives for the cattle from which this beef comes gets no more today than they did 20 years ago.

Inflation is robbing all of us and is the real cause of higher prices.

For too long we have seen what little protection American industry has had from cheap imports whittled away. It is time that Congress took a more realistic look at what our free trade advocates have done and what they propose.

They call it protectionism, although the proposed legislation would not stop or severely limit imports but merely set some reasonable levels above which imports could be controlled if found to be injuring a domestic industry or its workers.

Mr. President, if there is any doubt about the need for insurance for the American consumer of a dependable future supply of oil and gas, it is supplied by a letter I have just received from the Chairman of the Council of Economic Advisers, Paul W. McCracken, who still advocates the tariff plan for oil imports and, apparently, Federal regulation of the price of domestic crude oil.

I will quote that part of his letter and Senators can draw their own conclusions as to just what he has in mind in the way of price control.

The letter states:

> The Oil Import Task Force concluded that there was a national security justification for the crude oil price to be higher in the United States than abroad. The question is, who shall determine the level of crude oil prices appropriate for the national security? The producers together with the producing states? Or the Federal government?

I am sure some Senators will be curious, as I am, as to what authority, what law passed by the Congress or what statute he would apply to "determine the level of crude oil prices appropriate for the national security?" It is my understanding that the President has rejected wage-price controls in the inflation fight.

He asks whether the producers together with the producing States or the Federal Government should fix the price of crude oil.

This is a man who is an adviser to the President, so I believe it is well that the Ways and Means Committee has taken action, at least to head off implementation of the tariff plan designed to force the price of domestic crude oil down to some predetermined level in no way related to normal market place fluctuations or without regard to costs or capital requirements of the domestic petroleum industry.

It is questionable whether such practice, once started, could be confined to the oil industry alone. Once such a philosophy of government takes root, where will it end?

There are few items produced in America that cannot be imported cheaper. The philosophy of using foreign imports to control domestic prices should be examined from the standpoint of whether it is the kind of government we want. This deserves as much thought as the factual evidence that so-called consumer savings would, at best, be insignificant and, in the longer run, with greater dependence on foreign oil could be completely illusory—as now proved by the price of oil from North Africa and the Middle East.

Mr. President, not only is such a proposed price control policy unsound and with no legal basis that I know of, but it is completely inconsistent with the recent recognition by the Federal Power Commission of the fallacy of Federal price fixing policy.

The FPC, in the face of a critical natural gas shortage, now says it will abandon its price-fixing policies of the past decade in favor of a policy which considers such factors as rate of return for producers, as well as consideration of supply and demand factors. The new policy, according to FPC, will result in higher consumer prices as well as higher returns to producers.

Should those who advocate a reduction in crude prices through import controls succeed in implementing their plan, they would be working at cross purposes with the Federal Power Commission in attempting to stimulate exploration and development of domestic natural gas supplies through adequate returns and incentives.

The tariff plan would have the opposite effect by depressing domestic prices, reducing returns and incentives for exploration and development of new supplies and, thereby, discouraging development of gas.

A large part of our gas is developed and produced along with oil.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Dr. McCracken to which I have referred.

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

COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., July 24, 1970.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This is in response to your letter of June 10 regarding Mr. Houthakker's views on market-demand prorationing.

Whatever the legal status of market-demand prorationing, there can be little question that by limiting production the state prorationing authorities support oil prices. It is true that they do not set prices in the sense of deciding exactly what prices will be. That is done by the producers themselves. However, by restricting production to the quantities of crude oil demanded at producer-set prices they ratify those prices. If production were limited only by considerations of conservation, production would be greater and the producer-set prices could not be maintained.

The Oil Import Task Force concluded that there was a national security justification for the crude oil price to be higher in the United States than abroad. The question is, who shall determine the level of crude oil prices appropriate for the national security? The producers together with the producing states? Or the Federal Government?

The petroleum industry is so important to our economy that the Council of Economic Advisers cannot be indifferent to the regulation of production and prices there. If you feel that Mr. Isodore Cohen has a better answer to our problems, I can only hope that you will give the matter some further thought.

Sincerely yours,
PAUL W. MCCRACKEN, *Chairman.*

Mr. HANSEN. So, inasmuch as these Presidential advisers are unable or unwilling to understand or recognize the basic facts involved in the energy crisis now developing, I again congratulate the members of the Ways and Means Committee in taking the action they did to preclude adoption of a plan that would be disastrous to our basic energy industry.

EXTENDING THE EFFECTIVENESS OF THE DEFENSE PRODUCTION ACT OF 1950 TO AUGUST 15, 1970

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1336.

The PRESIDING OFFICER (Mr. JORDAN of Idaho) laid before the Senate House Joint Resolution 1336, to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970, which was read twice by its title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 1336) was considered, ordered to a third reading, was read the third time, and passed.

TAX SECRECY ORDER ON AIRLINE TICKETS

Mr. SPARKMAN. Mr. President, on July 21, 1970, the Mobile Register published an editorial entitled "Tax Secrecy Order Insult to Citizens." I had read a day or so before that a provision had been made that, in selling airline tickets, the airline was forbidden to include any showing as to what tax had been made on that ticket, that it would show only the gross amount. The editorial deals with that situation.

Frankly, I knew nothing of any such provision being included in the Airport and Airway Development Act of 1970. According to the editorial, this provision did not appear in either the House or Senate version of that act, but it came in somehow, by some kind of insertion in the conference report.

Mr. President, I see absolutely no justification for prohibiting the airlines from showing the tax charged on the ticket. Goodness knows, if I go anywhere and buy something, or if I send a message by Western Union, or make a telephone call, when the bills come back, they show what tax has been charged to me. I do not see why such tax should not be shown on airline tickets also. After all, such a tax is deductible. I do not see how anyone can keep his records

straight, for the purpose of claiming deductions, without knowing what the tax is.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

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

TAX SECRECY ORDER INSULT TO CITIZENS

Congress has become dangerously haphazard.

Without the knowledge of "most members," it has committed a superduper tax secrecy outrage against the American people.

Air travelers are the express victims in this instance, but if Congress, can perpetrate an outrage of this kind against one group, it can deal the same treatment to other groups and to the whole population.

Rep. Morris K. Udall of Arizona has exposed the "mysterious" insertion of airline ticket tax secrecy into a bill and its enactment largely in an atmosphere of congressional ignorance.

This happened in passing the "Airport and Airway Development Act of 1970," recently signed into law by President Nixon. The offending section—7255—is entitled "Penalty for offenses relating to certain airline tickets and advertising," and Congressman Udall says of it:

"This section of the new law is an outrage. It was not contained in the bill when it passed the House. It was not contained in the bill when it passed the Senate. But it somehow mysteriously found its way into the conference report and became law before most members even knew of its existence.

"According to this section . . . it is a crime to inform travelers or would-be travelers what portion of their airline fares is going to federal taxes. A ticket clerk found guilty of such a heinous act would be subject to a fine of $100.

"Similarly, this section of the new law prohibits such disclosure in airline advertising, even in the tiniest type at the bottom of the page. Any statement concerning the price of an airline ticket must show the over-all price with tax included. The amount of the tax itself must be kept secret. Presumably it is not in the public interest for the public to know the true cost of our new airport program.

"What an insult to the American people. What an embarrassment to the Congress."

An insult to the American people, indeed. An insult and an outrage. Whether an embarrassment to Congress or not, this section of the act is an indictment of Congress for becoming dangerously haphazard on legislation.

And what of President Nixon's action in signing the bill into law with this outrageous section on tax secrecy? Did he know or not know the bill contained a tax secrecy provision that "mysteriously" got into a congressional conference report and became law in alarming circumstances of congressional ignorance?

Mr. Udall is calling for repeal of the offending section. Unless it is repealed in double quick time, the indictment Congress has returned against itself for haphazardness to a dangerous extreme will loom still uglier and more ominously.

Mr. HANSEN. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. HANSEN. I have not seen the editorial to which the Senator refers, but I share his concern and dismay that, according to the editorial, neither the House nor the Senate included the language that finally wound up in the bill.

This seems to me to be most unusual. As I read the editorial, I gather that this particular provision must have been added by some staff people afterwards or came out of the conference report.

I certainly agree with the distinguished Senator from Alabama that it ought to be investigated. I share his feeling that all of us would be better advised and better apprised of what our government is doing if we were made aware of the taxes that apply to our activities. I see no reason at all to try to keep this information hidden from the American public.

I am told that one of the things which came out of the legislation was a rounding off to the nearest dollar of the cost of tickets with tax. I do not object to that. But I agree completely with my distinguished friend, the Senator from Alabama, that it makes good sense to let American people know how much of the cost of that airplane ticket is levied in the form of a tax.

Mr. President, I would hope very much that the distinguished Senator would pursue this matter and see what can be developed in the way of finding out what brought it into being in the way in which it was accomplished.

I will offer my support if my support is useful.

Mr. SPARKMAN. Mr. President, I thank the distinguished Senator from Wyoming for his contribution.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON TRANSPORTATION OF LETHAL CHEMICAL AGENTS

A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), reporting, pursuant to law, on the transportation of lethal chemical agents; to the Committee on Armed Services.

REPORT OF ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment for the quarter ended June 30, 1970; to the Committee on Armed Services.

PROPOSED AMENDMENT OF THE TARIFF ACT OF 1930

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions (with accompanying papers); to the Committee on Finance.

PROPOSED TAX LEGISLATION

A letter from the Secretary of the Treasury, transmitting three drafts of proposed legislation, the first to amend the Internal Revenue Code of 1954 to extend excise taxes on communication services and on automobiles, the second to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, and for other purposes, and the third to amend the Internal Revenue code of 1954 by imposing a tax upon the sale of lead additives used in the manufacture or production of gasoline, providing for payments to producers of gasoline for lead additives used during a transitional period, and for other purposes (with accompanying papers); to the Committee on Finance.

PROPOSED INDIAN POLICY

A letter from the Secretary of the Interior, transmitting four drafts of proposed legislation, the first to amend acts entitled "An act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief or distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," the second to provide for the creation of the Indian Trust Counsel Authority, and for other purposes, the third to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes, and the fourth to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

A petition was laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A petition, signed by sundry citizens of the State of California, praying for the return of U.S. troops home, and the cessation of further military involvement in Indochina; to the Committee on Foreign Relations.

ENROLLED BILL SIGNED

The VICE PRESIDENT announced that on today, July 30, 1970, he signed the enrolled bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

H.R. 15118. An act to provide for the striking of medals in commemoration of the one hundredth anniversary of the founding of Ohio Northern University (Rept. No. 91–1042).

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with an amendment:

H.J. Res. 589. A joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program (Rept. No. 91–1043).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye (Rept. No. 91–1044);

H.R. 1697. An act for the relief of Jack Brown (Rept. No. 91–1045);

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris (Rept. No. 91–1046);

H.R. 1728. An act for the relief of Capt. Norman W. Stanley (Rept. No. 91–1047);

H.R. 2209. An act for the relief of Carlo DeMarco (Rept. No. 91–1048);

H.R. 2241. An act for the relief of John T. Anderson (Rept. No. 91–1049);

H.R. 2407. An act for the relief of Elbert C. Moore (Rept. No. 91–1050);

H.R. 2458. An act for the relief of Frank J. Enright (Rept. No. 91–1051);

H.R. 2481. An act for the relief of Comdr. John W. McCord (Rept. No. 91–1052);

H.R. 2950. An act for the relief of Edwin E. Fulk (Rept. No. 91–1053);

H.R. 3558. An act for the relief of Thomas A. Smith (Rept. No. 91–1054);

H.R. 3723. An act for the relief of Robert G. Smith (Rept. No. 91–1055);

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr. (Rept. No. 91–1056);

H.R. 6375. An act for the relief of Amalia P. Montero (Rept. No. 91–1057);

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired), (Rept. No. 91–1058);

H.R. 6850. An act for the relief of Maj. Clyde Nicholas (retired) (Rept. No. 91–1059);

H.R. 9092. An act for the relief of Thomas J. Condon (Rept. No. 91–1060);

H.R. 9591. An act for the relief of Elgie L. Tabor (Rept. No. 91–1061);

H.R. 10662. An act for the relief of Walter L. Parker (Rept. No. 91–1062);

H.R. 11890. An act for the relief of T.Sgt. Peter Elias Gianutsos, U.S. Air Force (retired) (Rept. No. 91–1063);

H.R. 12176. An act for the relief of Bly D. Dickson, Jr. (Rept. No. 91–1064);

H.R. 12622. An act for the relief of Russell L. Chandler (Rept. No. 91–1065);

H.R. 12887. An act for the relief of John A. Avdeef (Rept. No. 91–1066); and

H.R. 15354. An act for the relief of Anthony P. Miller, Inc. (Rept. No. 91–1067).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

H.R. 8470. An act for the relief of Capt. Jackie D. Burgess (Rept. No. 91–1068).

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. MONTOYA:

S. 4147. A bill to declare that 3.308 acres, more or less, of federally owned land are held by the United States in trust for the Pueblo of Cochiti; to the Committee on Interior and Insular Affairs.

By Mr. STENNIS:

S. 4148. A bill to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents; to the Committee on Armed Services.

By Mr. HOLLAND:

S. 4149. A bill to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickins in Florida and Fort Massachusetts in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 4150. A bill for the relief of Sergio Vergani; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 4151. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide residents thereof with greater access to consumer credit at reasonable interest rates; to amend the Federal Credit Union Act; and for other purposes; to the Committee on Banking and Currency.

By Mr. INOUYE:

S. 4152. A bill for the relief of Soledad Cabagay; to the Committee on the Judiciary.

By Mr. METCALF:

S. 4153. A bill to authorize the U.S. Office of Education to carry out certain activities concerning consumers' education; to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS of New Jersey (for himself and Mr. Moss):

S. 4154. A bill to assist in the provisions of housing for the elderly, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear in the RECORD under the appropriate heading.)

By Mr. EAGLETON (for himself, Mr. BAYH, Mr. BENNETT, Mr. BROOKE, Mr. BURDICK, Mr. CRANSTON, Mr. FONG, Mr. GOODELL, Mr. GURNEY, Mr. HARRIS, Mr. HOLLINGS, Mr. HUGHES, Mr. JACKSON, Mr. JAVITS, Mr. MCINTYRE, Mr. MONDALE, Mr. MURPHY, Mr. PACKWOOD, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. SAXBE, Mr. SCOTT, Mr. THURMOND, and Mr. WILLIAMS of New Jersey):

S.J. Res. 223. A joint resolution to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

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

By Mr. MATHIAS:

S.J. Res. 224. Joint resolution to provide for the awarding of a medal to be known as the President's Award for Exceptional Service; to the Committee on Banking and Currency.

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

S. 4154—INTRODUCTION OF THE HOUSING FOR ELDERLY ACT

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and the Senator from Utah (Mr. Moss), I introduce for appropriate reference, a bill to provide for the establishment of an Assistant Secretary for Housing for the Elderly in the Department of Housing and Urban Development.

Today our Nation has a tremendous need for more suitable housing for all age groups. Particularly disadvantaged are older Americans who must spend proportionately more on housing than younger persons.

Many now live in ramshackle homes or apartments that are cold in the winter and steaming hot in the summer. Some of these substandard units are structurally unsafe for human occupancy; others are completely beyond repair.

Housing costs now represent about 34 percent of the Bureau of Labor Statistics budget for a typical elderly couple; it is no wonder that many subsist in substandard units. Moreover, their housing problems are further complicated because of substantially reduced income in retirement, chronic health problems, limited mobility, and a sense of despair.

Yet, in our youth-oriented society, the elderly have been left behind under our housing programs. For example, only a very small percentage of FHA home mortgages include principal mortgagors who are 60 or older. From 1960 to 1968 only 1.1 percent of the mortgagors were 60 or over—about 37,000 out of 3.5 million.

In some cases, there even appears to be a predisposition against the construction of housing units for the aged. At the Senate Committee on Aging's hearing on "Sources of Community Support for Federal Programs Serving Older Americans," Rev. Everett Luther of Phoenix, Ariz., told us:

> The Phoenix office of HUD–FHA in the past year has had authority for over 700 units under the FHA program 236 and not a single unit of these 700 is available as housing for the elderly.

Unfortunately, this is not an isolated incident. Other witnesses expressed similar concern about long waiting lists for housing projects for the aged. In typical cases the ratio of applicants to units available was often 5 to 1.

Today, approximately 5 percent of our senior citizens—nearly 1 million individuals—live in public or private special care facilities. But, about 95 percent—approximately 19 million persons—still live independently in their communities.

Most of these individuals want to continue to live an active life. They do not want to enter institutions prematurely. For these persons, institutionalization can be as debilitating as disease itself.

However, many are finding themselves in a "no-man's land" with regard to housing. Prohibitive property taxes and rising maintenance costs have forced large numbers to sell their homes. Yet, it is becoming increasingly difficult to locate suitable alternative housing at reasonable prices.

This emergency has now reached crisis proportions, and must be dealt with immediately.

For these reasons, I introduce this bill today to establish a new Assistant Secretary in the Department of Housing and Urban Development—an Assistant Secretary for Housing for the Elderly—to administer and coordinate housing programs and related facilities for older Americans. In addition, this office would provide a central source and clearing house of information with respect to housing for the elderly.

In the context of present HUD decisionmaking policy, the aged and sponsors of housing for older persons encounter two major problems. First, there is the difficulty of dealing with a large bureaucracy which is often not as sympathetic to their needs as with other age groups. Second, they must oftentimes cut through tangles of redtape to have their applications considered.

As a consequence, their housing needs are frequently overlooked or ignored.

To rectify this neglect, the elderly need someone in a high-level position who will be an articulate spokesman for their problems—someone who will make sure that they are part of the action.

They also need in a very special way someone who will be interested in them and in their full participation all across-the-board in existing and new programs.

We on the Senate Committee on Aging are fully aware that there is an exceptionally qualified and devoted Program Advisor for Housing for the Elderly and Handicapped in HUD at this time. However, she has only one assistant to handle about 2,000 inquiries a year as well as numerous other responsibilities. Establishment of an Assistant Secretary would help assure that more personnel would be available to zero in on the elderly's housing needs.

From an administrative standpoint, the reasons are compelling for placing these responsibilities under the authority of an Assistant Secretary. An Assistant Secretary would be in a better position to consolidate housing programs affecting the elderly and to provide a central focus for more effective administration and coordination.

Another important aspect, which should not be overlooked, is that housing programs for olders persons should be more than just bricks and mortar. Unlike younger families, many elderly persons spend most of their time in their homes or apartments.

Mere housing is not enough if the aged are to live with dignity in their homes, rather than being warehoused. Equally important is the need for consideration of the social components of their housing.

We must not only build housing units for the elderly; we must also build a liveable environment. This requires adequate planning and coordination to consider their social, recreational, medical, transportation, and other special needs. Only with such a comprehensive approach can their overall well-being, comfort and secuirty be adequately considered.

Because these crucial matters are within the authority of several agencies, an Assistant Secretary would be in a much better position to shape the essential components into a coherent housing program.

Let there be no mistake, the Federal commitment to housing for the elderly stands in serious jeopardy today. Evidence of this was provided in the recent apparent rescue of the successful section 202 housing for the elderly program.

Earlier this month, I introduced an amendment calling for $25 million for this direct loan program to prevent its total abandonment by the administration. Thanks to the capable leadership of the distinguished Senator from Rhode Island (Mr. PASTORE) and the cosponsorship of the Senators from Vermont (Mr. PROUTY) and Utah (Mr. Moss), funding in the HUD-independent offices conference bill was maintained for 202—at $10 million.

This action signifies that the Congress has once again expressed its intent that the 202 program be continued, and not be swept aside by an unworthy substitute—the section 236 interest subsidy program.

But this last-ditch effort to save 202 is clear evidence that high-level attention must be given to the needs of the aged at HUD. This program was nearly lost, although it is probably the most effective program providing housing for older Americans.

My bill would also provide for the establishment of an intergovernmental task force—headed by the Assistant Secretary for Housing for the Elderly—to report on several possible means of helping States provide property tax relief to elderly homeowners. One possibility would be Federal income tax credits. Moreover, the task force would consider ways to make Federal assistance available to States providing full or partial exemptions from property taxes for persons whose taxes exceed a specified portion of their income.

In my own State of New Jersey, the voters will decide on November 2 whether they will raise the real property tax exemption from $80 to $160 for older homeowners with incomes under $5,000. This would certainly provide welcome relief for the aged.

However, is should be emphasized that New Jersey and other States can only go so far before their revenue sources are depleted. Other measures must also be considered—as authorized in this legislation—to provide relief for overwhelmed elderly property owners and States struggling to make financial ends meet.

Another major problem affects those older persons who must leave their homes and move into nursing homes—not because they are ill but only because failing health prevents them from shopping for food or cooking. Many potential applicants for public housing fail to qualify for this very reason.

My bill would help make it easier for these individuals to live in a home, rather than in a nursing home. It would do this by broadening public housing coverage—not only to provide suitable residential living but also services for central dining facilities for the poor elderly who cannot cook their own meals. For these needy persons, this would provide a new alternative to institutionalization.

One of the tests of a great Nation is the compassion and respect it shows to its senior citizens. Today, too many elderly live empty and neglected lives in blighted, rundown areas.

Unfortunately, the existing administrative apparatus has not responded adequately to this pressing challenge.

But, with the approach offered by this bill, we can be more confident that more urgently needed housing will be built for the elderly—not merely to store them—but to restore them to an active life in their communities.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4154) to assist in the provisions of housing for the elderly, and for other purposes, introduced by Mr. WILLIAMS of New Jersey (for himself and Mr. Moss), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing for Elderly Act".

ASSISTANT SECRETARY FOR HOUSING FOR THE ELDERLY

SEC. 2. (a) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven".

(b) Subsection (b) of section 4 of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:

"(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In addition the Assistant Secretary shall—

"(A) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

"(B) provide a central source and clearing-house of information with respect to housing for the elderly; and

"(C) coordinate housing programs for the elderly and seek ways to consolidate programs which overlap."

CONGREGATE HOUSING FOR THE ELDERLY

SEC. 3. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

"(12) The Secretary shall encourage public housing agencies, in providing housing predominantly for elderly families, to design, develop, or otherwise acquire such housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as congregate housing. As used in this paragraph, the term 'congregate housing' means low-rent housing (A) in which some or all of the dwelling units do not have kitchen facilities, (B) such units are reserved for elderly families whose infirmities are such that they are not readily capable of preparing their own meals, and (C) connected with which there is a central dining facility to provide wholesome and economical meals for such families under terms and conditions prescribed by the public housing agency to permit a generally self-supporting operation. Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing shall be considered one of the costs of administration of the project."

STUDY

SEC. 4. The Assistant Secretary for Housing for the Elderly, the Secretary of the Treasury (or his designee), and the Secretary of Health, Education, and Welfare (or his designee) shall undertake a joint study and investigation of (1) the feasibility of providing under the Federal income tax laws a credit for real property taxes paid by elderly persons, and (2) practicable ways of providing Federal assistance to States, or political subdivisions thereof, in reimbursement of revenue losses as a result of granting tax relief to elderly persons whose real property taxes exceed or would exceed five per centum of their incomes. A report of such study and investigation shall be made to the President and to the Congress at the earliest practicable date, in no event later than June 30, 1971.

Mr. MOSS. Mr. President, I am most pleased to cosponsor the bill introduced today by the distinguished chairman of

the Senate Special Committee on Aging, Senator HARRISON WILLIAMS.

The Senator and I have stood shoulder to shoulder on many occasions in an effort to improve the standard of living for our 20 million senior citizens. Our latest effort was the battle to save the FHA section 202 program which provides direct loans to nonprofit sponsors providing housing for the elderly. Yesterday's RECORD reflects our success in getting $10 million appropriated as well as firm language in the conference report indicating the intent of Congress that this program be continued.

There is, of course, no guarantee that the administration will reverse its direction and reinstitute the direct loan program even in the face of the strong language of congressional intent in this year's appropriation bill or in last year's Housing Act.

The unfortunate part is that 202 is the only program we have left which was specifically designed to meet the needs of the elderly. This section has its own architectural criteria which, for example, commands that housing for the elderly be built adjacent to shopping centers and close to bus stops and medical facilities.

The proposed replacement for section 202 is FHA section 236 which is an interest subsidy section of general application with no special provisions built in for the elderly. This is a source of great discontent to sponsors who would provide housing for our senior citizens.

What is also a reason for great dissatisfaction is that there is no office within HUD which coordinates housing for the elderly; there is no clearinghouse for information within HUD.

A classic example once again is provided by section 202. Nonprofit sponsors and, indeed, even Members of the Congress have been unable to find out the status of section 202 during 1969–70. Telephone calls to HUD brought a variety of answers—some telling of the demise of 202 and others telling that it was alive and well.

Another central problem in the field of housing for the elderly concerns the effect of escalating real estate taxes and their effects on senior citizens. As States continue to raise taxes in order to pay for increased Government services the pinch on seniors has become severe—so much that many States have exempted senior citizens from property taxes. This exemption of seniors has caused other homeowners to charge the State governments with discrimination. The States, too, are reluctant to part with their much-needed revenues which is the result of the senior citizen exemption.

Mr. President, these are precisely the problems this new bill seeks to solve. It seeks to provide an Assistant Secretary for Housing for the Elderly within HUD to give sponsors and the elderly a focal point and a clearinghouse within that Department. It is hoped that this Assistant Secretary will help coordinate present programs which provide for the elderly. This provision would counter the charge from seniors that their needs have been totally neglected by the new administration by providing a forum where seniors could be heard with regard to their housing needs.

The need of congregate living arrangements for the elderly has been spelled out by our recent hearings on "Home Ownership Aspects of the Economics of Elderly." Public housing agencies should develop housing predominantly for the use of the elderly. Especially should such facilities provide central dining facilities featuring wholesome and economical means under the supervision of the Public Housing Agency. Senior citizens should not have to enter a nursing home simply because they are not readily capable of preparing their own meals.

This new bill also authorizes a study to be conducted by the new Assistant Secretary to find alternatives to the rapidly increasing property taxes which are so problematic to seniors. This study, I am sure, would be welcomed by the States as well as the seniors who currently are lined up on both sides of this housing dilemma.

Mr. President, I urge prompt and favorable consideration of this bill.

SENATE JOINT RESOLUTION 223—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING THE MONTH OF JANUARY OF EACH YEAR AS NATIONAL BLOOD DONOR MONTH

Mr. EAGLETON. Mr. President, I introduce a joint resolution declaring January of each year as National Blood Donor Month.

Each year, nearly 6 million units of blood are needed for transfusion in the United States. This number increases approximately 10 percent annually. The United States has repeatedly faced critical shortages of blood in the month of January when the number of potential donors is reduced by various wintertime illnesses.

The voluntary blood donor is the chief source of human blood, but only 3 to 5 percent of those eligible to donate blood in the United States are donors. Others would become donors if they were made aware of the blood requirements, the facilities available for blood donations, and the protection against future blood needs available to donors and their families.

The Association of Blood Banks has indicated to me that the National Blood Donor Month campaign last January was very successful in reducing the critical shortage of blood during this period, and I hope that the Congress will vote to make this campaign an annual occurrence.

I am pleased to be joined in introducing this resolution by 25 of my distinguished colleagues.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 223) to authorize and request the President to issue annually a proclamation designating the month of January of each year as National Blood Donor Month, introduced by Mr. EAGLETON, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

INTRODUCTION OF SENATE JOINT RESOLUTION 224 TO PROVIDE FOR THE AWARDING OF A MEDAL TO BE KNOWN AS THE PRESIDENT'S AWARD FOR EXCEPTIONAL SERVICE

Mr. MATHIAS. Mr. President, I introduce and ask for reference to the appropriate committee a joint resolution to provide for the awarding of a medal to be known as the President's Award for Exceptional Service. Let me say at the outset that we must do better by all our law enforcement officers; better training, better equipment, better pay. But in spite of all the assistance we can provide, some of these men will still be asked to give their lives in the line of duty.

Throughout history man has given special respect to those who sacrifice their lives for the safety and security of their fellow man. In the United States we pay respect to those who give their lives for the country in more rational and restrained ways. One is through our national cemeteries, the best known of which is Arlington National Cemetery where many of the Nation's heroes are buried, where the unknown dead of three wars are laid to rest and where people from throughout the world come in pilgrimage. Most of these honored dead gave their lives for society on the field of battle. Their deaths represent a high sacrifice, a kind of dedication to the Nation and her people. Their sacrifice should be an example and an inspiration for every succeeding generation.

But sadly, there are Americans who have given their lives for society, for the survival of our ideals and our way of life but whose deaths have received only passing notice. These men are the police who protect our citizens in cities and States throughout the country. More than 100 of these public servants lose their lives in the line of duty every year. They get passing notice in the cities where they serve but for the most part they are forgotten. These men are heroes in the same sense as those who die fighting a war. Men who die alone in the streets often give greater illustration of self sacrifice and dedication to service than those who go out with large marching bands and flying banners to meet foreign enemies because these men are with the enemy every day that they are on duty. Their common enemy, an enemy who sometimes appears with the face of a friend, is danger to the public safety. It is an enemy which may appear suddenly from around any corner to snatch life from these men.

I believe we should establish a system of national recognition of our heroic police who die for their country so that their sacrifice is properly recognized. The example set by these brave men should be preserved for future generations to study and follow.

Today, I am proposing legislation that would authorize the President of the

United States to conduct an annual recognition day for the fallen heroes of our city streets, the police who die while protecting the American public. I am also proposing that an appropriate medal be struck, a medal which would be presented by the President to the families of such brave men killed in the previous year. No medal can replace a lost loved one for the families of these men, but such a gesture would demonstrate the thanks of a grateful nation for the sacrifice not only of these men killed on duty but of the thousands and thousands of law enforcement officers throughout the country whose devotion to the cause of justice is so vital to the maintenance of a truly free society.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

The PRESIDING OFFICER (Mr. PACKWOOD). 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. 224) to provide for the awarding of a medal to be known as the President's Award for Exceptional Service, introduced by Mr. MATHIAS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S.J. RES. 224

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a medal, to be known as the President's Award for Exceptional Service, in honor of law enforcement officers of the Federal Government or any State, county or local government in the United States who give their lives in the line of duty.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to design, strike, and furnish to the President an appropriate and distinctive medal for presentation to the next of kin of such law enforcement officers.

(b) The President is authorized and requested to designate an appropriate date each year on which to honor such law enforcement officers and to present the medal to the next of kin of such officers.

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

ADDITIONAL COSPONSORS OF BILLS

S. 368

Mr. BIBLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of S. 368, to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources and for other purposes.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

S. 3724

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wyoming (Mr. MCGEE), I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of S. 3724, to amend the Internal Revenue Code with respect to ammunition record-keeping requirements.

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

SENATE RESOLUTION 436—SUBMISSION OF A RESOLUTION RELATING TO APPOINTMENT OF COUNSEL TO REPRESENT THE SENATE IN AMICUS CURIAE CAPACITY IN APPROPRIATE JUDICIAL PROCEEDINGS WHEREIN CONSTITUTIONALITY OF THE STATUTE LOWERING THE VOTING AGE TO 18 IS CONTESTED

Mr. MANSFIELD submitted a resolution (S. Res. 436) relative to appointment of counsel to represent the Senate in amicus curiae capacity in appropriate judicial proceedings wherein constitutionality of the statute lowering the voting age to 18 is contested, and for other purposes, which was ordered to be placed on the calendar.

(The remarks of Mr. MANSFIELD when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 800, 802, 803, 804, 805, AND 806

Mr. JAVITS (for himself, Mr. BROOKE and Mr. CASE) submitted six amendments, intended to be proposed by them, jointly, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which were referred to the Committee on Finance, and ordered to be printed.

(The remarks of Mr. JAVITS when he submitted the amendments appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 801

Mr. JAVITS (for himself and Mr. CASE) submitted an amendment, intended to be proposed by him, to House bill 16311, supra, which was referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear below.)

THE FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 800 THROUGH 806

Mr. JAVITS. Mr. President, I submit today a number of amendments to H.R. 16311, Administration's Family Assistance Act, now pending in the Committee on Finance. I ask that the amendments be printed and referred to the Committee on Finance.

The PRESIDING OFFICER (Mr. CRANSTON). The amendments will be received and appropriately referred.

The amendments were referred to the Committee on Finance.

Mr. JAVITS. The Family Assistance Act would provide, for the first time, a national minimum payment and would also call for a more substantial assumption of local welfare costs by the Federal Government.

In March of 1968—more than two years ago—the President's Advisory Commission on Civil Disorders (the Kerner Commission) strongly recommended that efforts be made to develop a system of income supplementation to provide "for those who can work or who do work, any necessary supplements in such a way as to develop incentives for fuller employment." The President and this Republican administration has advanced the first comprehensive legislative proposal to meet that objective. This legislation marks a substantial beginning in dealing with the inequities of the present system which is characterized by discrepancies in the amount of assistance and treatment of individuals between regions of the country, families headed by males and females and between the working and nonworking poor.

The administration's proposed bill deserves every support and our best efforts to refine it in every feasible way to insure that a beginning in this policy is made in this session—and that it is the best beginning possible. In that connection I am pleased to note the statement made by Senator LONG, Chairman of the Committee on Finance on July 22 in resuming hearings, to the effect that the "Senate should be, and will be, given an opportunity to vote on welfare reform this year."

To accomplish that objective will take the full and sustained personal support of the President and the administration. I am pleased by recent reports that the President intends to exercise that kind of personal leadership and I hope that he will do so in the clearest of ways so that this historic proposal will become law.

This legislation constitutes a most commendable initiative, yet is only a beginning. Accordingly, I introduce today, a series of amendments to strengthen the measure in a number of ways which I think the Senate should adopt under the circumstances.

The amendments I offer today are as follows:

First. I submit an amendment to increase the $1,600 Federal eligibility and payment standard to 50 percent of the poverty level beginning in fiscal year 1974, and to revise the basis for determining the poverty level to reflect more adequately the amount which a poor family actually requires to meet food and nonfood costs. On the basis of current costs, the application of this new criteria would result in a Federal standard of $2,400 for a family of four in fiscal year 1974.

Second, I submit an amendment to increase the Federal eligibility and payment standard by an additional 10 percent of the poverty level for each year after fiscal year 1974 so as to reach the poverty level in fiscal year 1979 and in substance take over State welfare costs.

My third amendment would provide an incentive for all States to raise their levels of supplementation by providing immediately upon the effective date of the act for Federal sharing in State supplementary payments on a variable basis, ranging from 50 to 83 percent depending upon State fiscal capacity, rather than on the 30-percent basis prescribed for all States under the proposed House bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a table entitled "Percentage Applicable to States Under Medicaid Formula (Title IX, Social Security Act)."

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

Percentages applicable to States under medicaid formula

(TITLE IX, SOCIAL SECURITY ACT) *

	Title XIX percentages
Alabama	78.64
Alaska	50.00
Arkansas	79.76
California	50.00
Colorado	56.24
Connecticut	50.00
Delaware	50.00
District of Columbia	50.00
Florida	64.10
Georgia	71.48
Hawaii	50.75
Idaho	68.91
Illinois	50.00
Indiana	52.82
Iowa	55.27
Kansas	57.78
Kentucky	74.30
Louisiana	73.57
Maine	68.33
Maryland	50.00
Massachusetts	50.00
Michigan	50.00
Minnesota	56.95
Mississippi	83.00
Missouri	59.29
Montana	64.72
Nebraska	57.25
Nevada	50.00
New Hampshire	59.18
New Jersey	50.00
New Mexico	71.48
New York	50.00
North Carolina	73.96
North Dakota	70.48
Ohio	52.42
Oklahoma	68.84
Oregon	56.35
Pennsylvania	54.60
Rhode Island	51.70
South Carolina	78.68
South Dakota	69.91
Tennessee	74.62
Texas	66.66
Utah	68.23
Vermont	64.96
Virginia	65.04
Washington	50.00
West Virginia	75.73
Wisconsin	55.21
Wyoming	60.38
American Samoa	0

* Prepared by the Department of Health, Education, and Welfare.

Mr. JAVITS. Mr. President, a fourth amendment would require a level of supplementary payments in all States sufficient to provide during fiscal years 1972 and 1973—the first 2 years of operation—a net total Federal-State payment of $1,800 for a family of four which has no other income.

Mr. President, I ask unanimous consent to have printed in the RECORD a table submitted by the Department of HEW entitled "State Supplemental Payment to an Eligible Family of Four with No Other Income," so that we will have an idea as to what States supplement and by how much.

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

State supplemental payment to an eligible family of 4 with no other income [1]

Alabama	0
Alaska	$620
Arizona	602
Arkansas	0
California	1,052
Colorado	768
Connecticut	2,000
Delaware	188
District of Columbia	1,327
Florida	5
Georgia	0
Hawaii	1,508
Idaho	1,328
Illinois	1,556
Indiana	200
Iowa	1,315
Kansas	1,244
Kentucky	356
Louisiana	0
Maine	416
Maryland	752
Massachusetts	1,772
Michigan	1,532
Minnesota	1,868
Mississippi	0
Missouri	0
Montana	829
Nebraska	800
Nevada	116
New Hampshire	1,304
New Jersey	2,564
New Mexico	592
New York	2,156
North Carolina	319
North Dakota	1,532
Ohio	716
Oklahoma	620
Oregon	1,087
Pennsylvania	2,012
Rhode Island	1,460
South Carolina	0
South Dakota	1,712
Tennessee	0
Texas	173
Utah	728
Vermont	1,856
Virginia	1,245
Washington	2,252
West Virginia	53
Wisconsin	776
Wyoming	800

[1] Under H.R. 16311 as amended June 1970. Based on April 1970 AFDC payment levels.

Mr. JAVITS. Mr. President, my fifth amendment would exempt mothers with school-age children from the work requirements of the bill.

The sixth amendment would insure that each child receiving child care under the administration's commendable plans also receives the educational, health, nutritional, and related services necessary to help such a child achieve his full potential.

The seventh amendment would direct the Secretary of Health, Education, and Welfare to (a) establish reporting procedures and to submit annually to the Congress a detailed report indicating child-care needs and the extent to which existing facilities are adequate to meet those needs; (b) authorize allowances for child-care costs to mothers who choose to participate in job training; (c) authorize the provision of child-care services for mothers who wish to accept or continue work on a part-time, as well as full-time, basis; and (d) directs the Secretary of HEW to establish in his department an office with a means for affording technical assistance and information sufficient to encourage American business to go into the development of child care facilities.

Mr. President, my colleague from New Jersey (Mr. CASE) joins me in each of the proposed amendments.

Mr. President, my colleague from Massachusetts (Mr. BROOKE) has joined me in proposing amendment 1 and amendments 3 through 7.

Mr. President, the Family Assistance Act's proposed $1,600 minimum payment and eligibility standard for a family of four is a significant first step, but even with the addition of food stamps, it will not provide an adequate level of support. Moreover, the Federal assumption will not be sufficient to relieve the States and localities of much of the additional heavy welfare costs in the coming years.

As the administration itself has acknowledged, a $1,600 payment, even taking into account food stamps will—

> . . . not, of course, be a sufficient amount to sustain an adequate level of life for those who have no other income; it is nevertheless a substantial improvement and can be made more adequate as budget conditions permit.

The first two amendments which I propose are designed to attain the twin goals of providing a higher level of assistance to individuals and to grant further fiscal relief for the States and localities. And both amendments would link those goals to a realistic poverty standard, with an eventual full Federal assumption of welfare costs.

Until these goals are reached, we must retain, and indeed expand the food stamp program. This program is degrading to the poor in many respects, but it cannot be sacrificed in exchange for any level of cash payment short of a truly adequate amount.

As I stated last August 12, 1969, in commenting upon the President's original message concerning welfare reform:

> An income-maintenance program at an adequate level may yet replace the food stamp program, but it would be folly to even consider initiating the transition before that level is established. Under the present circumstances, our Nation's poor require an "expansion"—not a phaseout—of food stamp and related programs until a clearly adequate family allowance plan is phased in . . .

Accordingly, I have cosponsored Senator MCGOVERN's amendment to provide for distribution of food stamps with family assistance payments, and I am pleased that the administration, in its resubmitted Family Assistance Act, has taken some steps to interlock administration of the two programs.

1. AMENDMENT TO INCREASE FEDERAL PAYMENT AND ELIGIBILITY STANDARD TO 50 PERCENT OF THE POVERTY LEVEL IN FISCAL YEAR 1974

Under the proposed amendment, the Federal eligibility and payment standard would be increased to 50 percent of a redefined poverty level beginning in fiscal year 1974 (the third full year of administration). The application of the new criteria based upon current costs would

result in a standard of $2,400 for a family of four in 1971.

The so-called "poverty index" was originally developed in 1964. At the core of the definition of poverty was the "Economy Food Plan" designed by the Department of Agriculture for "emergency or temporary use when funds are low." The Department of Agriculture has itself described the plan as "not a reasonable measure of basic money needs for a good diet." In determining the proportion of total family income that should be expended to meet food requirements, the Social Security Administration has determined that the percentage of income expended for such necessities reflect the relative wellbeing of both individuals and the society in which we live.

For families of three or more persons the poverty level has been set at three times the cost of the "Economy Food Plan."

Last fall, in adopting the substitute food stamp program, supported by Senator McGovern and myself, the Senate established a new schedule of benefits on the basis of the "low-cost" food plan designed by the Department of Agriculture to provide a nutritional diet. It is this plan—and not the economy food plan—which is more indicative of what it actually costs to purchase nutritional food necessities.

Currently, the "Economy Food Plan" cost has been set at $1,316 for a family of four while the "low-cost" diet has been established at $1,603.20.

In order to establish a more adequate basis for determining a standard upon which to base future increases of the Federal standard and eligibility level, my proposed amendment would define the poverty level as three times the "low-cost" food budget for a family of four, adjusted by any rises in the Consumer Price Index since the cost of the "low-cost" plan was last determined.

Under the amendment, the Secretary of Health, Education, and Welfare would be empowered to make adjustments for families of various sizes and for regional differences.

The Department of Health, Education, and Welfare estimates the net cost of the proposed amendment to be $4.5 billion in fiscal year 1974 and $4.8 billion in fiscal year 1975.

2. AN AMENDMENT TO PROVIDE FOR ADDITIONAL INCREASES IN FEDERAL PAYMENT AND ELIGIBILITY STANDARD SO AS TO REACH A POVERTY-LEVEL STANDARD IN FISCAL YEAR 1979

Under the proposed amendment, the Federal eligibility payment standard would be increased to 50 percent of the poverty level in 1974, then increased by an additional 10 percent of such level in each fiscal year. A poverty level standard (and therefore, a full Federal assumption of welfare costs), would be reached in fiscal year 1979.

The goal of an eventual full Federal assumption of welfare costs has been advanced by Governor Nelson Rockefeller and endorsed by the National Governors Conference.

Early this year, the Committee for Economic Development, composed of 200 leading businessmen and educators, conducted a comprehensive study of the welfare system, and in a report dated April 1970, entitled "Improving the Public Welfare System" concluded:

> The concept of a truly uniform national system of public assistance based on income maintenance requires that the federal government not only assume an increasing share of the necessarily increasing cost, but that it eventually undertake the entire burden. As an objective to be attained as soon as fiscally feasible, we recommend that the federal government undertake a substantially higher proportion of the financing of public assistance with a phased take-over by the federal government of state and local public assistance costs over the next five years as the goal.

Even after the proposed Federal assumption of the cost of maintaining the $1,600 level, the States and cities during the first year of operation, will have to pay more than $2 billion just to maintain supplemental payments at current levels, which are themselves inadequate to individual needs in most States.

If the Federal Government assumes welfare costs, then local governments will be able to apply their resources to those efforts in education, health, manpower, nutrition, child care, and social services that hold the promise of eliminating welfare dependency.

We need not fear a standard of assistance at the poverty level for those who are unable to provide for themselves, nor need we assume that we will be faced with astronomical costs—if we are confident that our efforts in the area of social services will bear fruit.

Under my amendment, full Federal administration of programs would be effected when the poverty level and a full Federal assumption is reached.

In order to maintain incentive at higher eligibility and payment levels, the amendment would authorize the Secretary of Health, Education, and Welfare to change the amount of earned income that could be exempted in determining the amount of family assistance payments beginning in fiscal year 1975.

3. AMENDMENT TO PROVIDE FOR GREATER FEDERAL SHARING IN STATE SUPPLEMENTAL PAYMENTS ON A VARIABLE BASIS

In addition to the fiscal relief which will arise from Federal assumption of payments up to the $1,600 standard, the administration proposes to assume 30 percent of the cost of State supplementary payments. According to the Department of Health, Education, and Welfare, those payments will exceed $2 billion by fiscal year 1972.

Under my third proposed amendment, State governments would be provided with Federal sharing of at least 50 percent of supplemental costs, while some States would receive a larger amount of Federal assistance, depending upon State fiscal ability.

I ask unanimous consent to have printed in the RECORD at the end of my remarks, a table prepared by the Department of Health, Education, and Welfare, indicating the percentages now applicable under medicaid.

4. AMENDMENT TO REQUIRE SUPPLEMENTATION BY LOW-PAYMENT STATES TO INSURE A TOTAL PAYMENT IN ALL STATES OF $1,800 IN FISCAL YEARS 1972 AND 1973

The third amendment should provide an incentive for many States to increase the level of payments. Under this fourth amendment, I propose that all States be required to attain a specified minimum level of supplementation.

While the Family Assistance Act has been proposed for the purpose of eliminating the "gap" between payment levels from one State to another, the combination of the Federal floor and the varying degrees of State supplementation will leave a substantial range of from more than $1,600 in Mississippi to more than $3,700 in New York State. I ask unanimous consent that a table prepared by the Department of Health, Education, and Welfare showing expected levels of supplementation in each State be printed in the RECORD at the conclusion of my remarks.

This amendment would require all States to maintain a supplementation sufficient, with the family assistance Federal cash payment, to provide a payment level of $1,800 for a family of four in order to achieve a higher national standard during fiscal years 1972 and 1973. The requirement would be eliminated as to fiscal year 1974 and subsequent years, when a higher Federal standard would be reached under the first amendment which I have proposed.

The Department of Health, Education, and Welfare estimates the cost of proposed amendments 3 and 4 at $800 million in fiscal year 1972 and $900 million in fiscal year 1973.

5. AMENDMENT TO EXEMPT MOTHERS OF SCHOOL AGE CHILDREN FROM THE WORK REQUIREMENTS OF THE BILL

Under the proposed Family Assistance Act, female heads of household with school age children are required to engage in work or training or forfeit their Family Assistance payments.

According to estimates of the Department of Health, Education, and Welfare there will be 1,560,000 female-headed families eligible in 1971 for the Family Assistance Plan. In those families will be more than 3 million children under 16.

Only mothers or pre-school children are exempted from the work requirements of the proposed act.

I propose that all mothers with children under 16 be exempted from the work requirement of the bill. I do so because I consider such a requirement generally undesirable as a matter of policy, unrealistic in terms of the availability of child-care facilities, and unnecessary in light of experience under existing requirements and the strong incentive provisions proposed in the administration bill.

It has been established that welfare mothers do want to work. In a study of families on welfare in New York City conducted by Dr. Lawrence Podell in 1966, it was documented that seven mothers in 10 would prefer to work and more than eight in 10 had already had some employment experience.

We can expect even a higher degree of motivation under the administration's bill since it contains incentives much stronger than those applicable under current law. Under the proposed act, the first $720 per year of earned income and one-half of the remainder would be exempted in determining the amount of

the family assistance payments rather than $360 and one-third of the remainder as generally applies under existing law.

But despite these motivated factors, welfare mothers are frequently unable to participate in training or employment because of a lack of child-care facilities for their children during hours when they are away from home. The report of a joint review carried out by the Department of Health, Education, and Welfare, and the New York State Department of Social Services issued in September, 1969, documented an increased interest of mothers in training and employment, but cited the long waiting lists for child-care centers. Lack of child-care facilities was indicated throughout the report as one of the prime obstacles in the path that leads away from welfare dependency. The report concluded that:

> Additional day care facilities serving school-age children and pre-school children are urgently needed in neighborhoods where AFDC and other low-income families live to enable those women to take advantage of WIN and other training and employment programs.

The provisions for child-care set forth in the administration's bill underscore the increasing realization that lack of child-care facilities—not lack of initiative—represents for millions the primary obstacle to economic independence. But we must face the fact that even on the most ambitious of schedules, we cannot expect child-care services to become available in the near future in any significant number for millions of poor school-age children. Under the Family Assistance Act, 450,000 child-care slots would be made available initially in the Nation. New York Governor Rockefeller, in testifying before the House Ways and Means Committee, noted that in New York State alone we need 250,000 additional child care places representing a construction cost of $500 million.

Mr. President, as to school age children who are not suitable age for child care, the mother on welfare—like any other mother—is in the best position to determine whether her participation in employment or training will serve the interests of her family.

And I might add that no guidelines can be formulated that could express adequately for more than 3 million school-age children in poor households headed by women, the circumstances under which participation in employment or training will be a long-term benefit rather than a long-term liability for the child, the family, and society because of neglect or inattention.

But this does not mean that we should fail to encourage such mothers to accept work and training opportunities. Accordingly, although my amendment would eliminate the work requirement for mothers of school-age children, it would leave unchanged the requirement that they register for manpower services, training or employment. By requiring registration, the mothers will become aware of work and training opportunities, but would not be forced to accept them if she determined that they would interfere with her care for her child.

We must give welfare mothers the respect to which they are entitled. We should rely in the first instance upon their own desires to provide for their own children, and upon a thoughtfully constructed incentive system, a meaningfully developed manpower training and employment program, and expanding comprehensive child-care services, to close the gap, in time, between our efforts to help the poor and our success in eliminating the rise in welfare dependency.

6. Amendment to insure that the needs of children are met under the child-care provisions of the Family Assistance Act

I think that one of the most exciting initiatives taken by this administration—comparing even with its breakthroughs on combatting hunger in America—has been its proposals for child care with the underlying recognition that such facilities bridge the gap between welfare dependency and employment. As the author of almost the earliest legislation to encourage the development of such centers, I approve of the commitment which accompanies this bill, to provide 450,000 slots in the first year.

While the limitations on availability of child-care facilities are apparent, nevertheless it is essential, in providing child care, that we never sacrifice quality. In short, we must make clear in this legislation that we are just as concerned with the needs of the child as we are with the needs of the mother to work.

The administration has indicated, and the House report has noted, the necessity of providing each child with education, health, nutritional and related services. But I think that it is appropriate that the Senate write that intention into law since—despite all good faith and good intentions—there remains the possibility that efforts to provide more "slots" will prompt the evolution of an inferior custodial system of child care for welfare mothers.

Under the sixth amendment which I propose, the Secretary of Health, Education, and Welfare would be required to insure that all children receiving care under section 436 of the Family Assistance Act receive the education, health, nutritional, and related services, "necessary to help each child achieve his full potential."

Unless this requirement is written into this legislation we could perpetuate ironically the cycle of poverty through these very actions which seek to arrest it.

7. AMENDMENT TO IMPROVE CHILD-CARE PROVISIONS IN OTHER RESPECTS

The final amendment seeks to supplement the child-care provision of the administration's bill in a number of additional ways.

First, if we are to bridge the "child-care gap" we must have an accurate figure on the number of welfare mothers who wish to work but are precluded from doing so by lack of child-care facilities.

The proposed amendment would direct the Secretary of Health, Education, and Welfare in consultation with the Secretary of Labor, to establish reporting procedures and to submit annually to the Congress a detailed report indicating the extent of the need for child-care facilities among persons covered by the Family Assistance Act, and the extent to which existing child-care facilities are adequate to meet such needs, so that the Congress will be in a better position to respond.

Second, this amendment would make it clear that child-care services provided under the act will be made available to mothers who wish to work part, as well as, full time. From the point of view of the child's development, it may be desirable for the mother to work only part time. For the school age child, unless the work requirement is eliminated, the effect of the proposed legislation may be to increase the number of "latch key" children who, having no adequate supervision at home, are often swept up in the activities of the peer group, becoming victims of the destructive social pressures which such groups often exert on their members.

Third, the administration has shown great foresight in providing under section 443(a)(3) for an exemption of an amount of earned income for portions of the cost by a family member for child-care which the Secretary deems necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment.

However, while this provision in effect will give an allowance for child-care for families with some income to enable the mother to engage in work or training, it will not benefit the family which has no income whatsoever, where the parents are engaged strictly in training.

In order to cover such circumstances, the proposed amendment would authorize the Secretary of Health, Education, and Welfare to provide, through the Secretary of Labor, allowances for child-care costs of mothers under section 432 of the act for costs "which are necessary to and directly related to his participation in training.

The administration's bill wisely provides for the financing of child-care projects conducted by private as well as by public agencies. But if we are to respond adequately to the Nation's needs, we must view the role of the private sector not only in terms of providing child-care facilities as part of a strategy to eliminate welfare dependency, but in the larger sense of encouraging business, labor, and industry to make independent efforts to establish child-care facilities for employees.

Title IV B of the Economic Opportunity Act of 1964, which I authored, was enacted with a focus on the development of child-care centers at, or in association with, places of business, but its implementation has been hindered by lack of information in the private sector. Companies represented at a conference on industry and day care, sponsored by the Urban Research Corporation and held in Chicago on March 18, 1970, repeatedly indicated an interest in child-care, but underscored the need for information and technical assistance.

Mr. President, there are now more than 24 million poor in the country—more than the entire population of Canada and one-half that of France and the United Kingdom.

A census of those on public assistance conducted by the Department of Health,

Education, and Welfare in 1967, indicated that of the 7.3 million persons dependent solely on welfare, only 50,000—or less than one-tenth of 1 percent—were employable men. Of the remainder, 2.1 million were over 65—most of them women with a median age of over 72. A further 700,000 were physically incapacitated. Three and one-half million were children. Nine hundred thousand were mothers. Most of the poor were doing what they could to provide for themselves, considering their age, health, location, and employment opportunities.

Poverty is not a chosen way of life. A typical welfare family of four spends all but $9 of its average monthly income of $284 on the elemental necessities of life—generally inadequate food, clothing, and shelter.

The time has come for us to set two goals in connection with this legislation—one relating to those efforts in education, manpower training and child care that will reduce welfare dependency; and the other that will provide adequately for the poor if those efforts fail. This legislation represents a commendable beginning on the part of this administration reaching toward the expectations of those who have, for too long, suffered in poverty. I hope eventually this effort will assure that many deprived Americans will have the opportunity to rise above the level of economic despair and to achieve a standard of living commensurate with that minimum level necessary to sustain a dignified existence reflecting the economic well-being of 85 percent of all Americans—the greatest achievement of all the preceding ages.

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

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered; and the amendments will be printed in the RECORD.

The texts of the amendments are as follows:

AMENDMENT No. 800

On page 5, strike out lines 12 through 15, and insert in lieu thereof the following:

"(A) in the case of any fiscal year prior to the fiscal year ending June 30, 1974—

"(i) $500 per year for each of the first two members of the family, plus

"(ii) $300 per year for each additional member, and

"(B) in the case of the fiscal year ending June 30, 1974 and any fiscal year ending thereafter, the applicable eligibility standard (as determined under subsection (f)), and".

On page 6, strike out lines 1 through 3, and insert in lieu thereof the following:

"(1) in the case of any fiscal year prior to the fiscal year ending June 30, 1974—

"(i) $500 per year for each of the first two members of the family, plus

"(ii) $300 per year for each additional member, and

"(2) in the case of the fiscal year ending June 30, 1974 and any fiscal years ending thereafter, the applicable family assistance benefit amount (as determined under subsection (f)), and".

On page 7, between lines 14 and 15, insert the following new subsection:

"Applicable Eligibility Standard and Family Assistance Benefit Amount

"(f)(1) For the fiscal year beginning July 1, 1973, and for each fiscal year thereafter, the Secretary shall determine the applicable eligibility standard and family assistance benefit amount for families of different size.

"(2) The applicable eligibility standard and family assistance benefit amount for a family of any given size shall be determined on the basis of the poverty level (as determined under section 453(c)).

"(3) In the case of any fiscal year beginning after June 30, 1973, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 50 per centum of the poverty level (as determined for such year under section 453(c)) for a family of such size."

On page 98, line 22, insert "(a)" immediately after "SEC. 403.".

On page 100, between lines 9 and 10, insert the following new subsection:

"(b) Section 1108(e) of the Social Security Act (as amended by subsection (a) of this section) is further amended, effective with respect to fiscal years commencing after June 30, 1973—

"(1) by striking out 'the $500, $300, and $1,500 in such section 422(a), the $500 and $300 in such section 442(b)' and inserting in lieu thereof 'the applicable eligibility standard and family assistance benefit amount referred to in such sections 442(a) and 442(b), and the $1,500 in such section 442(a)'; and

"(2) by striking out 'such $500, $300, $1,500, $500, $300' each place it appears therein and inserting in lieu thereof 'such applicable eligibility standard and family assistance benefit amount or such $1,500'; and ".

On page 28, line 12, insert "(A)" immediately after "(1)".

On page 28, line 15, strike out "(2)" and insert in lieu thereof "(B)".

On page 28, line 16, strike out "(2)" and insert in lieu thereof "(B)".

On page 28, lines 16 and 17, strike out "each year, beginning with 1970" and insert "1970 and 1971".

On page 28, line 19, strike out "paragraph (1)" and insert in lieu thereof "subparagraph (A)".

On page 29, line 8, strike out "(3)" and insert in lieu thereof "(C)".

On page 29, between lines 11 and 12, insert the following:

"(2)(A) In the case of fiscal years after 1971, the 'poverty level', for purposes of this part and part D, for a family group of any given size shall be the amount determined with respect to such year by the Secretary pursuant to subparagraph (B).

"(B)(i) The Secretary shall determine the poverty level for families of various sizes for any fiscal year during the month of February of the preceding fiscal year. The poverty level for a family of more or less than 4 members shall be designed to enable such family to enjoy a standard of living equivalent to that enjoyed by a family of 4 members which is at the poverty level.

"(ii) The poverty level for a family of 4 members shall be a yearly amount equal (I) to the amount produced by multiplying by 3 the low-cost food budget for a year (as most recently determined by the Secretary of Agriculture for a family of 4 members), plus (II) a per centum of such amount equal to the per centum of increase, if any, which has occurred in the average cost-of-living (as determined by the price index) during the period commencing with the date that the data with respect to such budget was obtained and ending on the last day of the month preceding the February in which such poverty level is established. In determining the poverty level, the Secretary may take into account regional differences in the cost of living."

AMENDMENT No. 801

On page 5, strike out lines 12 through 15, and insert in lieu thereof the following:

"(A) in the case of any fiscal year prior to the fiscal year ending June 30, 1974—

"(i) $500 per year for each of the first two members of the family, plus

"(ii) $300 per year for each additional member, and

"(B) in the case of the fiscal year ending June 30, 1974 and any fiscal year ending thereafter, the applicable eligibility standard (as determined under subsection (f)), and".

On Page 6, strike out lines 1 through 3, and insert in lieu thereof the following:

"(1) in the case of any fiscal year prior to the fiscal year ending June 30, 1974—

"(i) $500 per year for each of the first two members of family, plus

"(ii) $300 per year for each additional member, and

"(2) in the case of any fiscal year ending June 30, 1974, and any fiscal year ending thereafter, the applicable family assistance benefit amount (as determined under subsection (f)), and ".

On page 7, between lines 14 and 15, insert the following new subsection:

"Applicable Eligibility Standard and Family Assistance Benefit Amount

"(f)(1) For the fiscal year beginning July 1, 1973, and for each fiscal year thereafter, the Secretary shall determine the applicable eligibility standard and family assistance benefit amount for families of different size.

"(2) The applicable standard and family assistance benefit amount for a family of any given size shall be determined on the basis of the poverty level (as determined under Section 453(c)).

"(3) In the case of any fiscal year beginning after June 30, 1973, and prior to July 1, 1974, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 50 per centum of the poverty level (as determined for such year under Section 453(c) for a family of such size.

"(4) In the case of any fiscal year beginning after June 30, 1974, and prior to July 1, 1975, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 60 per centum of the poverty level.

"(5) In the case of any fiscal year beginning June 30, 1975, and prior to July 1, 1976, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 70 per centum of the poverty level (as determined for such year under Section 453(c) for a family of such size.

"(6) In the case of any fiscal year beginning after June 30, 1976, and prior to July 1, 1977, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 80 per centum of the poverty level (as determined for such year under Section 453(c)) for a family of such size.

"(7) In the case of any fiscal year beginning after June 30, 1977 and prior to July 1, 1978, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 90 per centum of the poverty level (as determined for such year under Section 453(c)) for a family of such size.

"(8) In the case of any fiscal year beginning after June 30, 1978 the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 100 per centum of the poverty level (as determined for such year under Section 453(c)) for a family of such size."

On page 9, line 21, insert "(A) as to any fiscal year prior to the fiscal year 1975," immediately after "(4)".

On page 9, after line 25 insert the following: "(B) as to any fiscal year after the fiscal year beginning July 1, 1974 such amounts

and percentages of the total income as the Secretary may by regulation prescribe."

On page 98, line 22, insert "(a)" immediately after "SEC. 403."

On page 100, between lines 9 and 10, insert the following new subsection:

"(b) Section 1108(e) of the Social Security Act (as amended by subsection (a) of this section) is further amended, effective with respect to fiscal years commencing after June 30, 1973—

"(1) by striking out 'the $500, $300, and $1,500 in such section 442(a), the $500 and $300 in such section 442(b)' and inserting in lieu thereof 'the applicable eligibility standard and family assistance benefit amount referred to in such sections 442(a) and 442(b), and the $1,500 in such section 442(a)'; and

"(2) by striking out 'such $500, $300, $1,500, $500, $300' each place it appears therein and inserting in lieu thereof 'such applicable eligibility standard and family assistance benefit amount or such $1,500'; and".

On page 28, line 12, insert "(A)" immediately after "(1)".

On page 28, line 15, strike out "(2)" and insert in lieu thereof "(B)".

On page 28, line 16, strike out "(2)" and insert in lieu thereof "(B)".

On page 28, lines 16 and 17, strike out "each year beginning with 1970" and insert "1970 and 1971".

On page 28, line 19, strike out "paragraph (1)" and insert in lieu thereof "subparagraph (A)".

On page 29, line 8, strike out "(3)" and insert in lieu thereof "(C)".

On page 29, between lines 11 and 12, insert the following:

"(2) (A) In the case of fiscal years after 1971, the 'poverty level', for purposes of this part and part D, for a family group of any given size shall be the amount determined with respect to such year by the Secretary pursuant to subparagraph (B).

"(B) (i) The Secretary shall determine the poverty level for families of various sizes for any fiscal year during the month of February of the preceding fiscal year. The poverty level for a family of more or less than 4 members shall be designed to enable such family to enjoy a standard of living equivalent to that enjoyed by a family of 4 members which is at the poverty level.

"(ii) The poverty level for a family of 4 members shall be a yearly amount equal (I) to the amount produced by multiplying by 3 the low-cost food budget for a year (as most recently determined by the Secretary of Agriculture for a family of 4 members), plus (II) a per centum of such amount equal to the per centum of increase, if any, which has occurred in the average cost-of-living (as determined by the price index) during the period commencing with the date that the data with respect to such budget was obtained and ending on the last day of the month preceding the February in which such poverty level is established. In determining the poverty level, the Secretary may take into account regional differences in the cost of living."

AMENDMENT NO. 802

On page 27, line 13, strike out "30 per centum" and insert in lieu thereof "the Federal medical assistance percentage (as defined in section 1905(b))".

AMENDMENT NO. 803

On page 23, line 21, insert "(1)" immediately after "(a)".

On Page 24, beginning on line 3, strike out "by application of the standard for determining need under the plan of such State as in effect for January 1970 (which standard complies with the requirements for approval under part A as in effect for such month) or, if lower, a standard equal to the applicable poverty level determined pursuant to section 453(c) and in effect at the time of such payments, or such higher standard of need as the State may apply," and insert in lieu thereof "by the application of a standard for determining need which meets the requirements of paragraph (2),".

On page 24, line 25, insert after the period the following: "Such regulations shall require that payments shall not be less than payments which would have been made by any State if the standard of such State met the requirements of paragraph (2)(A)(ii) and if 100 per centum of need were met under such standard."

On page 24, after line 25, insert the following:

"(2) A standard for determining need of any State meets the requirements of this paragraph if—

"(A) such standard is not less than whichever of the following is the higher—

"(i) the standard for determining need under the plan of such State as in effect for January 1970 (which standard complies with the requirements for approval under part A as in effect for such month), or

"(ii) in the case of any period prior to July 1, 1973, a standard for determining need under which a family of 4 members, having no other income or resources, will be determined to need $1,800 per year, and under which families having more or less than 4 members will be determined to have a need which will enable such families to enjoy a standard of living equivalent to that enjoyed by such a family of 4 members or

"(B) if lower than the higher of the standards referred to in subparagraph (A), which are applicable, a standard equal to the applicable poverty level determined pursuant to section 453(c) and in effect with respect to the period in question, or

"(C) if higher than the standard determined under this paragraph without regard to this subparagraph, such standard as the State may provide."

AMENDMENT NO. 804

On page 20, line 18, insert "(except a mother or other relative of a child, under the age of sixteen, who is caring for such child)" immediately after "individual".

AMENDMENT NO. 805

On page 43, beginning with the word "Such" on line 11, strike out all before the period on line 13, and insert in lieu thereof "The Secretary of Health, Education, and Welfare shall take such measures as may be necessary to assure that each child receiving care under any project receiving assistance under this section will receive such educational, health, nutritional, and related services, as may be necessary to help such child achieve his full potential".

AMENDMENT NO. 806

On page 42, line 23, after the period insert: "The terms 'training' and 'employment', as used in the preceding sentence, include training or employment on a part-time basis as well as on a full-time basis."

On page 43, line 14, insert "(1)" immediately after "(b)".

On page 43, between lines 20 and 21, insert the following:

(2) The Secretary of Health, Education, and Welfare (after consultation with the Secretary of Labor) shall collect, publish, and disseminate information, and shall (after such consultation) supply technical assistance, for the purpose of encouraging and assisting employee groups, labor organizations, joint labor-employer organizations, as well as business interests to become involved in the development and operation of child care facilities. Sums appropriated to carry out this section shall be available for the purpose of carrying out this paragraph."

On page 44, between lines 2 and 3, insert the following:

"(d) The Secretary of Health, Education, and Welfare shall, in accordance with regulations, pay to any member of a family participating in manpower training under part C, an allowance to defray the costs incurred by such member for child care which such Secretary deems necessary to enable such member to participate in such training. The Secretary of Health, Education, and Welfare is authorized to enter into an agreement with the Secretary of Labor under which the Secretary of Labor, will as agent of the Secretary of Health, Education, and Welfare, make the actual payment of allowances under this subsection in the same manner as he makes payment of the allowances authorized to be made under section 432(a)(2). Funds appropriated to carry out this section shall be available for the payment of allowances under this subsection.

"(e) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Labor, shall establish such reporting procedures as may be necessary or appropriate to enable him to furnish the information required to be provided to the Congress under this subsection. The Secretary of Health, Education, and Welfare shall submit with respect to the fiscal year ending June 30, 1972, and each fiscal year thereafter to the Congress a detailed report indicating (i) the extent of the need for child care and related services by individuals referred to in subsection (a)(1), and (ii) the extent to which existing child care and related services are adequate to meet such need."

PROPOSED IMPROVEMENT IN INCREASES IN BENEFITS UNDER THE SOCIAL SECURITY ACT—AMENDMENTS

AMENDMENT NO. 807

Mr. SPARKMAN. Mr. President, I submit an amendment to H.R. 17550, the bill which, besides increasing social security benefits makes certain changes in the medicare and medicaid programs. The amendment is proposed by me and by my colleage, Senator ALLEN. One of the changes proposed in the bill would seriously and adversely affect skilled nursing home care of elderly people throughout the country.

The provision to which I refer is contained in section 225 of H.R. 17550, and would reduce Federal matching funds by one-third after a patient has been in a skilled nursing home for more than 90 days in any given year.

Mr. President, this proposal is entirely unrealistic. Patients who enter skilled nursing homes are, on the average, not candidates for substantial rehabilitation. Seven out of 10 such patients in the United States are 74 years of age or older. Nearly half of them need assistance in walking, and 25 percent cannot walk at all. One-half of them are confused mentally most of the time. The average length of stay in a skilled nursing home in the United States is in excess of 2 years. It is sad, but true that, in most instances, the skilled nursing home is the last home the patient knows.

Mr. President, as I understand the purpose of section 225, it must be to encourage the removal of patients from skilled nursing homes into intermediate-care facilities or back to their homes. I think that this is highly desirable in those cases where intermediate care or

home care fits the needs of the patient involved. But where a patient needs skilled care, he should be able to get it.

Under our amendment, Mr. President, the 90-day limitation would apply, except in those cases where, pursuant to the medical review provided for in other sections of the bill, it is determined that the patient needs skilled nursing home care for a period longer than 90 days.

Mr. President, if our amendment is not adopted, a few States might be able to provide the funds necessary to finance the long term care that is needed. Not many States will be able to do that, however, and the result will be that skilled nursing homes will not be able to continue operating, and skilled care will not be available to those of our citizens who need it.

I hope that the Senate Finance Committee will give its careful consideration to this matter as it considers H.R. 17550. It is our hope that the committee will see fit to write into the bill a provision such as that proposed in our amendment.

The PRESIDING OFFICER (Mr. PACKWOOD). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 807) was referred to the Committee on Finance.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 808

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. PROXMIRE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 811

Mr. MUSKIE (for himself, Mrs. SMITH of Maine, Mr. AIKEN, Mr. HART, Mr. PELL, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. YOUNG of Ohio, and Mr. MCINTYRE) submitted an amendment, intended to be proposed by them, jointly, to House bill 17123, supra, which was ordered to lie on the table and to be printed.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENTS NOS. 809 AND 810

FULL FUNDING FOR MIGRANT HEALTH

Mr. WILLIAMS of New Jersey. Mr. President, I wish to commend Senator MONDALE for the outstanding series of hearings conducted last week by the Subcommittee on Migratory Labor. Senator MONDALE, chairman of the Migratory Labor Subcommittee, has brought to public attention another powerful reminder that our national priorities must be reordered and made to focus on human problems as they exist today in our own country.

Fortunately, we have already on the law books, an appropriate and invaluable vehicle for changing one of these priorities: the Migrant Health Act of 1962. And the shocking revelations in last week's hearings by the Field Foundation's physician team tell us in no uncertain terms that this act must be put to work—that an all-out public commitment—a new national priority—is required to respond to the enormous health needs of migrant children and the migrant family generally.

The need for a massive effort in this area is not news to me. As chairman of the Migratory Labor Subcommittee from 1959 to 1969, I traveled in more than a dozen States, visiting the migrant families in their homes, in the fields, along the roads and ditches, and thereby learned firsthand of their critical health needs.

My findings from these efforts, along with the recommendation which became the Migrant Health Act of 1962, were set forth in the 1961 report of the Migratory Labor Subcommittee. The importance of good migrant health to the public at large, aside from humane concern for migrants, was emphasized in that report, and I quote:

> Their needs for health services are far from being met even though the conditions under which they live and work are such that their need for health services is greater than normal, and even though their poor health conditions frequently pose a real health hazard to communities through which they travel * * *
>
> A recent diphtheria epidemic in Hale County, Texas, involving 72 cases of which 29 were among migratory farm families, needlessly exposed the 37,000 residents of Hale County to an expensive battle against this dreaded and highly contagious disease.

On extraordinarily high infant mortality rates among migrants, the 1961 report stated:

> The high migratory infant death rates provide further alarming evidence of the serious health problems confronting the migratory farm family. That the migratory infant death rate is about double the normal death rate can scarcely be attributed to anything other than the lack of ordinary, proper prenatal and postnatal care. Strong corroboration of this fact is found in the March 1960 report by the American Journal of Public Health, which states that the mortality rate of newborn infants whose mothers received no prenatal care (48.8) was almost 2½ times greater than the mortality rate of all newborn infants (20.8).

This kind of evidence led to the enactment of the 1962 Migrant Health Act, which, in turn, led to additional facts and information showing the great severity and scope of the migrant health problem.

In opening the hearings on the 1968 extension of the Migrant Health Act, I stated:

> It is still the exception rather than the rule, for the migrant farmworker and his family to have available even the barest minimum of medical services.

I also pointed out that 750,000 migrants live and work outside the areas served by migrant health projects existing in 1968.

Our hearing record on the 1968 extension showed that this large group of migrants, 750,000, not covered by the health projects, but who incidentally travel into 48 of the 50 States, had a most alarming health profile. The group included, by conservative estimates—

First, over 6,500 persons with diabetes who are without adequate medical care;

Second, over 5,000 migrants with tuberculosis who are traveling and working with their disease undetected and untreated;

Third, over 300 children under the age of 18 who have suffered cardiac damage as a result of rheumatic fever. These children are unlikely to receive treatment for prevention of reinfection and further cardiac damage. Such treatment is ordinarily readily available to most nonmigrant children in their communities;

Fourth, approximately 9,800 children who have undiagnosed and untreated iron deficiency anemia. This increases their susceptibility for childhood infection and interferes with their normal growth and development;

Fifth, over 250 infants who will die in the first year of life as a result of congenital malformation of disease. Early, adequate medical care will not be available for these infants;

Sixth, over 16,000 expectant mothers who will find it difficult to obtain prenatal care. Infant and maternal mortality can be expected to be significantly higher under such conditions; and

Seventh, between 20,000 to 30,000 individuals who have enteric parasitic infestations—resulting in most cases from poor sanitation. Such a problem is almost nonexistent in the general public.

The Field Foundation physicians, in last week's hearings, brought fresh and direct corroboration of the severity and the large-scale proportions of the migrant health problem. Their report of disease—much of it preventable, tuberculosis, for example, adds further to the record of neglect that has been compiled for over a decade.

Yet, despite this massive and mounting evidence of need, the migrants have been consistently shortchanged in obtaining health justice. For the current fiscal year, they are being shortchanged under the Migrant Health Act by $5 million.

The administration's proposed $15 million—$5 million less than the $20 million authorized for fiscal 1971—means that health justice for migrants amounts to $15 per man, woman, and child when the national per capita health expenditure is nearly $300.

I propose that the administration's requested $15 million for migrant health be exactly doubled, this year, to $30 million. As mentioned earlier, we have a vehicle on the law books which can be readily used to bring health justice to migrants now, this year. In fact, we have two vehicles, the Migrant Health Act of 1962 and the Migrant Assistance Provisions of the Economic Opportunity Act. Recognizing that public health resources are unevenly organized through-

out the country, those of us interested in the migrant problem successfully advanced the migrant assistance provisions, including migrant health, in the 1964 Economic Opportunity Act. So presently, we have two instruments through which the Congress and the administration can extend health care to migrants.

The amendments to H.R. 18515 which I submit would increase the section 310 migrant health program of the Public Health Service Act from $15 to $20 million, the full amount authorized for fiscal 1971; and would add $10 million for migrant health to the OEO appropriation.

The increase of $15 million proposed by these amendments would yield a total migrant health program of $30 million for fiscal 1971. This would amount to only $30 per migrant man, woman, and child, compared to the national per capita health expenditure of $300, or roughly 10 percent of the cost of the average citizen's health care. While the $30 million figure is obviously lower than the national standard, the American Public Health Association believes it would establish a tolerable minimum floor with which to provide necessary services for those seasonal farmworkers who require primarily emergency and maternal care. For my part, I view the $30 million minimum as something to improve upon in the very near future.

To label the plight of the migratory workers as a "national disgrace" is, in my mind, the classic case of understatement. The English language is truly inadequate to describe the callous indifference, the criminal neglect, of which our society has been guilty in respect to this problem.

They are the inheritors of Tobacco Road, and there is a strong flavor of slavery in their lives—

As a Sunday, July 26, Washington Star editorial put it.

The Washington Star editorial succinctly stated my view on another point, and I quote:

There is documentation aplenty—the need now is for commitments by Congress and the White House.

As a starter, the new White House Council on Rural Affairs should develop an interest in salvaging the migrants. It might begin by pushing for improved delivery of present underefficient and underfinanced health, education and antipoverty assistance which migratory workers are supposed to be receiving.

Financial help for the underfinanced health program is precisely what my amendments would provide, and I sincerely hope these amendments will be sympathetically received by the Appropriations Committee and the full Senate. I know they will be energetically supported by numerous Members of this body who share my concern for the people who labor so hard to harvest our crops and get so little in return.

The PRESIDING OFFICER (Mr. PACKWOOD). The amendments will be received and printed, and will be appropriately referred.

The amendments (Nos. 809 and 810) were referred to the Committee on Appropriations.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 696, 697 AND 698

Mr. BYRD of West Virginia. Mr. President on behalf of the Senator from Vermont (Mr. PROUTY), I ask unanimous consent that, at the next printing, the names of the Senator from Pennsylvania (Mr. SCOTT), the Senator from New Hampshire (Mr. COTTON), and the Senator from Hawaii (Mr. FONG) be added as cosponsors of Amendments Nos. 696, 697, and 698, to H.R. 17550, to amend the Social Security Act to provide increased benefits.

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

CORRECTION OF RECORD FOR ANNOUNCEMENT OF HEARING: SENATE COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, the July 28, 1970, CONGRESSIONAL RECORD failed to list the date of the Senate Committee on Aging's hearing—in conjunction with the 93d annual meeting of the American Bar Association—in St. Louis, Mo., on "Legal Problems Affecting Older Americans."

Testimony at the hearing will begin at 2:30 p.m. on August 11 at the Stouffers Riverfront Inn.

ADDITIONAL STATEMENTS OF SENATORS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. HOLLINGS. Mr. President, on July 9, 1970, the President transmitted to Congress Reorganization Plan No. 4, which proposed a National Oceanic and Atmospheric Administration under the Department of Commerce. Last year, I introduced legislation to create an independent NOAA. Extensive hearings were held on this bill before the Oceanography Subcommittee of the Commerce Committee. As chairman of that subcommittee, I have made an in-depth review of the various proposals and, consequently, I am very familiar with the aspects of the reorganization plan. There has been, in my judgment, unjustified criticism of this reorganization plan; and on July 28, a resolution was introduced by Senator NELSON to reject Reorganization Plan No. 4—Senate Resolution 433.

Senator NELSON testified before the Subcommittee on Executive Reorganization of the Senate Government Operations Committee, regarding his opposition. I also testified before that subcommittee in support of the plan; and, to point out why I feel the objections made to it are unjustified, I ask unanimous consent that a copy of my testimony be printed in the RECORD.

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

TESTIMONY BY SENATOR ERNEST F. HOLLINGS

Mr. Chairman, I appreciate this opportunity to appear before this distinguished Subcommittee to speak about Reorganization Plan No. 4, to establish a National Oceanic and Atmospheric Administration in the Department of Commerce. I agree with the President that it is a "sound and significant beginning". And I support the proposed reorganization.

Congressional interest in strengthening our Nation's ocean programs dates back at least to 1959. At that time the distinguished chairman of the Committee on Commerce, Senator Magnuson, began attempts to strengthen our national marine programs. We went from complete disarray and lack of coordination of Federal marine programs in the late 1950's, to administrative steps within the Executive Branch to coordinate oceanographic programs through the Interagency Committee on Oceanography, beginning in 1962. When the Interagency Committee on Oceanography proved insufficient to the task, we moved to the establishment of the Cabinet-level National Council on Marine Resources and Engineering Development in 1966. But the Council was conceived as a temporary expedient until a more permanent structure could be created.

Concurrent with the creation of the Council was establishment of the Commission on Marine Science, Engineering and Resources to study our national oceanic needs, and charged with a responsibility to recommend a Federal civil marine organization. In January 1969, after two full years of study, the Marine Science Commission submitted its report, "Our Nation and the Sea" to the President and the Congress. The Commission recommended creation of an independent National Oceanic and Atmospheric Agency. That Agency, or NOAA, would be composed of most of the agencies and programs that the President now proposes to place in the Department of Commerce, plus the Coast Guard. Based on fiscal year 1970 employment and budget, the Marine Science Commission's independent agency would contain 55,000 people and have an $800 million budget. By contrast, the present proposal is for an administration consisting of 13,000 people and a budget in excess of $300 million when reimbursable expenses are taken into account.

The type of leadership we need for our marine and atmospheric programs was recommended by the Marine Science Commission and spelled out in detail in a bill I introduced earlier in this Congress, S. 2841. Essentially we need an agency with a broad range of responsibilities and capabilities in the marine and atmospheric environments. NOAA is not conceived solely as an oceanographic agency, devoted only to the science of the ocean. NOAA is conceived as a socially and scientifically relevant agency. The development of scientific and technological capabilities and services for the Nation will be important functions for the new administration. But equally important are the economic, environmental, legal, political, diplomatic, and other social activities relevant to NOAA's responsibilities. Its responsibilities would begin in the coastal zone of the United States and extend to the global seas.

Mr. Chairman, without trying to preempt the jurisdiction of this Subcommittee over Reorganization Plan No. 4, the Subcommittee on Oceanography held a closed briefing session Monday morning, July 27, at which the Under Secretary of Commerce answered many questions posed by our Subcommittee. I have a copy of the transcript of that briefing session which I would like to offer for the use of your Subcommittee. We do not plan to make this transcript public until the Subcommittee on Executive Reorganization has had an opportunity to complete its hearings and to make whatever use it wishes of the information contained in it. I think that you may find it particularly helpful for its inquiry into the organizational structure of the new NOAA, as presently contemplated by the Department of Commerce.

Yesterday, Mr. Chairman, Senator Nelson introduced a resolution to reject Reorganization Plan No. 4, and in his testimony before you stated that "Congress should thoroughly consider all of the ramifications not only of this proposal but of the numerous alternatives that have been proposed in high level reports and in legislation now pending in Congress." Senator Nelson stated that the purpose of Reorganization Plan No. 4 was not clear to him, and Senator Muskie observed in response that he feels that it is inconsistent to combine both environmental protection and development in the same agency. I want to address most of my remaining remarks to these concerns and hope to contribute to a thorough understanding of the proposal.

The NOAA concept had its genesis in the Marine Science Commission, chaired by Dr. Julius A. Stratton, the Chairman of the Ford Foundation, and formerly President of the Massachusetts Institute of Technology.

The Marine Science Commission included fifteen members from government, industry, academic institutions, and represented not only the oceanographic sciences but also legal, economic, and political interests. Mr. Chairman, I would like to insert here in the record a list of the members of the Commission. In addition to those members, close liaison was maintained with both the House and the Senate. Senators Magnuson and Cotton were advisers from the Senate, and Congressmen Lennon and Mosher were the House advisers.

The Commission approached its work by establishing seven panels to examine and assess areas of marine activity: basic science; marine engineering and technology; marine resources; environmental monitoring and the management of the coastal zone; industry and private investment; international issues; and education, manpower, and training. These panels traveled throughout the country, heard and received statements and advice from over 1000 people, and after two years of study published their report, "Our Nation and the Sea." But in addressing the matter of Federal organization assigned to them in the enabling legislation, the Commission did so only after a list of specific national objectives in the marine environment had been compiled.

The Marine Science Commission recommended creation of an independent National Oceanic and Atmospheric Agency consisting of: Coast Guard; the Environmental Science Services Administration; the Bureau of Commercial Fisheries; the powers, function, and duties of the Bureau of Sport Fisheries and Wildlife regarding marine and anadromous fisheries; the U.S. Lake Survey of the Corps of Engineers; the National Oceanographic Data Center; and the Sea Grant Program of the National Science Foundation.

Last year I introduced S. 2841 to implement the Stratton Commission recommendation and to create a National Advisory Committee for Oceans and Atmosphere. The Commerce Committee's Subcommittee on Oceanography held extensive hearings on S. 2841 this past spring, and recently published them in a 771-page volume. I would be pleased to have copies of the hearings made available to your Subcommittee, for the rationale for such an agency and the need for a strong national oceanic and atmospheric program is clearly expressed throughout the many pages of testimony.

Senator Nelson stated yesterday that the purpose of Reorganization Plan No. 4 is unclear to him. I can well understand why in light of what has appeared so far, and would like to offer nine objectives of the new NOAA, taken from S. 2841 and consistent with the recommendations of the Stratton Commission. The new NOAA should encourage, develop, and sustain a national program in the marine and atmospheric environments, conducted so as to contribute to these objectives:

1. The accelerated development and use of marine resources consistent with sound resource management practices and in knowledge of the effects of such development and use on the marine environment.

2. The expansion of human knowledge of the marine and atmospheric environments.

3. The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment, consistent with sound resources management practices.

4. The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, monitoring and prediction, surveys, the recovery of resources, and the conversion and transmission of energy in the marine and atmospheric environments.

5. The advancement of education and training in marine and atmospheric science, technology, and technical services, and social studies related to the marine and atmospheric environments.

6. The advancement of capability to observe and predict environmental changes, and ultimately to modify the environment, in order to enhance the safety and welfare of the public and to permit more efficient use of the oceans and the atmosphere.

7. The effective use of scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment in marine and atmospheric programs.

8. The preservation of the role of the United States as a leader in marine and atmospheric activities and in marine resource development and conservation.

9. The coooperation by the United States with other nations and with international organizations in marine and atmospheric activities when such cooperation is in the national interest.

Mr. Chairman, there is nothing inherent in the creation of a new NOAA in the Department of Commerce that would prevent acomplishment of these objectives. The Subcommittee on Oceanography would actively seek to have these objectives fulfilled by the new NOAA if the Congress approves Reorganization Plan No. 4. A blueprint for them was laid out by the Stratton Commission. They show a great concern for the quality of the marine environment. And that was one of the main reasons the Stratton Commission recommended creation of a NOAA. Marine programs have been in such disarray that to attempt to harvest the riches of the oceans without better Federal organization and national programs for wise resource management could only lead to environmental disaster.

Senator Muskie's concern that environmental protection and resource development not be lodged in the same agency is certainly well founded when one looks at the difficulties that the Department of the Interior has had over the years. But, Mr. Chairman, the problem of Santa Barbara, the problem of Machiasport and Hilton Head, is how are we going to provide for the needs of our people without destroying the very environment on which we rely to survive? The problem is not going to be solved by one Federal agency. Not by an Environmental Protection Agency alone. Not by a NOAA alone. And certainly not by the Corps of Engineers alone! Just as the bumper stickers say that "The population bomb is everybody's baby", environmental quality is everybody's responsibility. As we develop resources for the well-being of our people, we must all be involved in understanding what adverse impacts that development will have, and move to avoid those adverse impacts or minimize them. We must draft our laws to require that those adverse impacts will be avoided or minimized. We must insist that our laws, our Federal and national programs, be administered with environmental impacts fully in mind. All of us are involved—the Executive Branch; the Congress in its legislative and oversight functions; our courts; our State and local governments; our industry; all of us. And if we find that agencies charged both with developing and protecting resources do not adequately protect the environment, there are many ways to call them to task. Certainly Senator Muskie's Subcommittee on Air and Water Pollution has been ingenious in devising legislative checks and balances to enhance environmental quality. The Section 21(b) authority of the Water Quality Improvement Act of 1970 is an excellent example. The Subcommitee on Oceanography approves Reorganization Plan No. 4.

Shortly after the proposed reorganization was inadvertently made public, Mr. Chairman, the Subcommittee on Oceanography made a survey of reaction in key committees in the Senate and the House, and canvassed many top members of the oceanography and conservation communities. There was a surprising unanimity of response; they were pleased that the proposal is as strong as it is; disappointment that the agency is not proposed to be independent and include the Coast Guard, but favorable nonetheless. Dr. Stratton and Dr. Edward Wenk, former Executive Secretary of the National Council on Marine Resources and Engineering Development, were among those we consulted and who responded favorably to the proposal. One observer in the National Academy of Sciences summed up the responses well when he said it is a "damned good beginning." Certainly important in my own decision to support the proposal was the degree to which support for an independent NOAA disappeared in the House of Representatives when the President made his proposal. And that is the situation today.

I support a strong national oceanic and atmospheric program, Mr. Chairman. The proposal sent to the Congress by the President has been well thought out. It makes substantive sense. But I am a political pragmatist also, and this is what we can attain now. And after more than ten years of Federal disorganization, the President's proposal is an important beginning. I urge that the Senate support creation of the National Oceanic and Atmospheric Administration in the Department of Commerce.

Thank you for this opportunity to appear before you this morning, Mr. Chairman.

MEMBERS OF THE COMMISSION ON MARINE SCIENCE, ENGINEERING AND RESOURCES

Chairman: Julius A. Stratton, Chairman, The Ford Foundation.

Vice-Chairman: Richard A. Geyer, Head, Department of Oceanography, Texas A&M University.

David A. Adams, Commissioner of Fisheries, North Carolina Department of Conservation and Development.

Carl A. Auerbach, Professor of Law, University of Minnesota.

Charles F. Baird, Under Secretary of the Navy.

Jacob Blaustein, Director, Standard Oil Company (Indiana).

James A. Crutchfield, Professor of Economics, University of Washington.

Frank C. DiLuzio, Assistant Secretary, Water Pollution Control, Department of the Interior.

Leon Jaworski, Attorney, Fulbright, Crooker, Freeman, Bates & Jaworski.

John A. Knauss, Dean, Graduate School of Oceanography, University of Rhode Island.

John H. Perry, Jr., President, Perry Publications, Inc., Florida.

Taylor A. Pryor, President, The Oceanic Foundation, Hawaii.

George E. Reedy, President, Struthers Research & Development Corp., Washington, D.C.

George H. Sullivan, M.D., Consulting Scientist, General Electric Reentry Systems.

Robert M. White, Administrator, Environmental Science Services Administration, Department of Commerce.

Congressional Advisers: Norris Cotton, U.S. Senator; Warren G. Magnuson, U.S. Senator; Alton A. Lennon, U.S. Representative; Charles A. Mosher, U.S. Representative.

GREAT JOB IN RESPONSIBLY CUTTING DEFENSE WASTE BY REPRESENTATIVE MINSHALL

Mr. PROXMIRE. Mr. President, the Subcommittee on Department of Defense Appropriations of the House Appropriations Committee has saved the taxpayers more money than has any other subcommittee in Congress. I say this with full respect for the excellent work done by the Senate Defense Appropriations Subcommittee. As the top ranking Republican on the subcommittee, Representative BILL MINSHALL plays a key role in making these savings, along with the great work of the chairman, Representative GEORGE MAHON.

There is no magic in the accomplishments of the committee. Long, hard hours of study, research, analysis, and interrogation of generals, admirals, secretaries, and others from the Pentagon are required to get the job done. The 11-man subcommittee has a permanent staff of only six to assist it, but the years of experience of the members have given them sufficient experience and insight into Defense Department programs to enable them to sponsor reductions totaling billions without cutting the muscle of our Nation's military forces.

In the past 3 years alone, in acting on the annual defense appropriation bills, a total of $11.4 billion in savings has been recommended by the Defense Appropriations Subcommittee and subsequently enacted by Congress.

When the supplemental bills, of which there are one or two every year, are included, the reductions in the past 3 years made by the subcommittee total $12,437,724,000.

Representative MINSHALL became a member of the Defense subcommittee in January of 1959. Since then, he has participated in making reductions totaling almost $15.5 billion in this subcommittee alone. In addition, he has served on other subcommittees, such as Independent Offices, in which the NASA budget is included, and the Department of Transportation Subcommittee. Important savings have been made by those subcommittees.

BILL MINSHALL and the Subcommittee on Defense Appropriations have played a major role in the termination of such unneeded or unworkable military programs as the F–111B Navy fighter, the Manned Orbiting Laboratory, and the BOMARC unmanned interceptor of the Air Force and the Mauler mobile antiaircraft missile of the Army. Numerous contributions have been made in the areas of personnel utilization, logistics management, and financial procedures.

Many reductions made by the committee have been relatively small amounts but have stopped unnecessary programs which would have cost billions if allowed to continue. A recent example is the Mallard communications system which was terminated last year with a cut of only $5 million, but which would have cost $2.5 billion if continued to completion. Such savings would total several times more than the $15.5 billion in actual dollars deleted from the budget.

The hard scrutiny given by the subcommittee to requests for spending has undoubtedly deterred the Pentagon from ever requesting billions of dollars worth of low priority or uncertain programs.

The Government, under our system of checks and balances, only works well when the watchdogs of the public purse really watch and know how to bite as well as bark. Only men of experience, only men who fully understand and have put in the long hours required, can cope with the pressures for unneeded expenditures.

The caliber of the men on the Defense Appropriations Subcommittee is evidenced by the fact that one of them was chosen by President Nixon to be his Secretary of Defense. Mel Laird gained his knowledge of defense matters in the same room and in the same time period as BILL MINSHALL. This is indicative of the high regard which not only the President but official Washington generally has for the Members and the work of the Subcommittee on Defense Appropriations.

DETROIT MEETING'S RESOLUTION ON CAPTIVE NATIONS WEEK

Mr. GRIFFIN. Mr. President, it was my privilege to serve as a member of the Captive Nations Week Committee sponsored by the Captive Nations Committee of Metropolitan Detroit and American Friends of Anti-Bolshevik Bloc of Nations.

The recent observance of Captive Nations Week was concluded in Detroit with a mass meeting at which a resolution pledging continued support for the peoples of the captive nations was adopted.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

RESOLUTION

Whereas: The people of Detroit having gathered for a mass meeting on July 18, 1970, at the Veteran's Memorial Building to conclude the observance of the Captive Nations Week which included appropriate prayers, ceremonies, and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas: The desire for liberty and independence by the overwhelming majority of peoples presently enslaved in Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas: The freedom loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about freedom and independence; and

Whereas: The majority of the peoples of Detroit are linked to these captive nations through the bands of family and who through nativity or ancestry, treasure the heritage which endowed them with the culture and industry which are theirs:

Now therefore, be it resolved: That we pledge our support to our President and his policy to contain the spread of communism in Southeast Asia and other parts of the world; and

We request the President to initiate a strong program against imperialistic policies of Russian Communists who have enslaved and subjected millions of people; and

We condemn the commemorations held under the auspices of the United Nations honoring the centennial birthday of Lenin, thus highlighting and honoring the father of terror and genocide; and

We request the United Nations De-Colonialization Committee to fulfill its duty and take up the case of Soviet Colonialism in the world; and

We request our government to increase and expand the operations of the United States Information Agency, especially increasing the number of hours of broadcast by the Voice of America to the peoples of the captive nations; and

We further request the United States Congress to create a special committee on the Captive Nations in the House of Representatives; and

We pledge to avail ourselves and our organized activities to combat communistic imperialism on all moral and legal grounds, as spokesmen for the oppressed, until the captive nations are free again; and

Be it resolved that copies of this Resolution be sent to the President, Secretary of State, United States Ambassador to the United Nations, United States Senators from Michigan, members of the United States House of Representatives from Michigan, the Governor of the State of Michigan, and the Mayor of the City of Detroit.

U.S. PATIENCE WEARS THIN AS SEATO ALLIES COP OUT

Mr. SYMINGTON. Mr. President, recently I read a wise and constructive editorial entitled "U.S. Patience Wears Thin as SEATO Allies Cop Out," written by John S. Knight.

In that Mr. Knight's column expresses much of my own thinking, I ask unanimous consent that it be printed in the RECORD.

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

U.S. PATIENCE WEARS THIN AS SEATO ALLIES COP OUT

Secretary William P. Rogers, the State Department's traveling man, is just discovering what the rest of us have known for a long time.

He learned at a Manila meeting of the Southeast Asia Treaty Organization from South Vietnam, South Korea, Thailand and the Philippines that the United States must not reduce its military, political or economic "commitments" in the Pacific region in any serious way.

According to Tad Szulc of the New York Times, this view is likewise shared by Australia, New Zealand and Japan although it appears to be in conflict with the Nixon Doctrine for Asia which calls for a decline in the American presence as Asian countries develop the ability to defend themselves.

SEATO, a collective defense pact devised by the late John Foster Dulles in 1954, has been used by Lyndon Johnson, Dean Rusk and now

the Nixon administration as the rationalization for our involvement in Indochina.

It is this so-called "commitment" which has cost 42,919 American lives and another 282,966 wounded, to say nothing of countless billions in U.S. resources.

The treaty, despite the claims of its supporters, is not a binding legal instrument and has no force or effect upon the United States. Nevertheless and notwithstanding our failure to act "in accordance with constitutional processes," each administration from Kennedy to Nixon has upheld the fiction of SEATO while ignoring the requirement to consult with the Congress.

Members of SEATO, other than the United States, are Britain, France, Australia, New Zealand, Philippines, Pakistan and Thailand—all presumably interested in saving Southeast Asia from communism.

Since 1954, Britain and France have made no contributions in men or money; Australia, New Zealand and the Philippines provided only token forces; Pakistan is disinterested and Thailand is miffed over U.S. refusal to pay for Thai activities in Cambodia.

In 1954, I warned that any involvement in Vietnam would find the United States without significant support from its allies who had the most to lose in Indochina.

The U.S. casualty statistics and the present plight of America will attest to the accuracy of that prediction.

But now come our friends to beg us not to leave, or even to reduce the "American presence." Secretary Rogers has reiterated that the United States intends to remain a Pacific power, and that the Nixon Doctrine does not mean isolation but simply readjustment to the new realities of world and domestic politics.

Even Japan, the strongest power in Asia, would like to see us stay. Yet the Japanese have made no contribution to the war—nor are they bound to—while their cheaply produced exports are flooding American markets to the detriment of U.S. industry and labor.

So we stand virtually alone, saddled by a South Vietnamese economy in disarray and needing—according to President Thieu—at least another $200 million to achieve stability.

So the Nixon Doctrine of "Asians helping Asians" remains largely a myth. We can hire mercenaries to assist the shaky government of Cambodia but the Cooper-Church amendment recently passed by the Senate may put a stop to that, if the Senate conferees can swap it for the House's Military Sales Bill.

Of incidental interest is the intelligence that Thailand, which always has its hand out, fought with Japan against the United States in World War II.

Though our Mr. Rogers stated in Saigon that the time has come for "real negotiations—to end this war and bring to the people of South Vietnam a fair and lasting peace," there is absolutely no hard evidence to indicate that President Thieu and his government have the slightest interest in reaching an accommodation with Hanoi.

As Parade magazine says in today's issue, "The American public has not been told the full truth about the extent of the U.S. involvement in Cambodia any more than it was told the truth about our military role in Laos or how much it cost the U.S. taxpayer to get the Filipinos, the South Koreans, the Thais and the Australians to support us in Vietnam."

Although our incursion into Cambodia has been heralded "as the greatest victory of the war," we have actually widened the area of conflict and doubt.

What remains utterly incomprehensible is the large body of opinion in the United States which still prates about winning the war even as President Nixon insists that we have no such objective in mind.

Still others want to "draw a line" over which no communist may trespass. Remember the McNamara Line just below the demilitarized zone in Vietnam? Or had you forgotten about that fiasco?

A majority of the American people will side with President Nixon so long as they are convinced that he means to bring our troops home on a definite timetable.

Yet public patience and faith are wearing thin as the Asians beg for our continuing presence and an endless flow of U.S. dollars.

The tragedy of our Indochina adventure is that it will be recounted in history as an egregious blunder.

Must we destroy America in a vain effort to bring peace and brotherhood to an area of the world where dissident peoples have been warring for centuries?

Are we willing to pay the price?

Are you?

THE MASS TRANSIT MUDDLE

Mr. BROOKE. Mr. President, once again the talented columnist, James J. Kilpatrick, has entered an eloquent plea for a sensible transportation system.

There are few if any among us who have not, at some point over the last few weeks, struggled with the summer weekend traffic. Whether it be in a short trip to the airport on a Friday afternoon, or a long trip to a function somewhere on the eastern seaboard, we have encountered the tremendous traffic jams which plague millions of our countrymen in their efforts to travel from home to work, or from work to a weekend of rest. The population of our country, particularly of the "megalopolis" which covers much of the eastern half of the Nation, has increased enormously. The ownership of private automobiles has increased as well. But what has not grown is the transportation system to accommodate all of the people who want or need to travel.

Mr. Kilpatrick is performing a great public service in pursuing this problem through his widely-read column. I commend it to the attention of Senators and ask unamous consent that it be printed in the RECORD.

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

TRIP TO BEACH COULD END TRANSIT IMPASSE

(By James J. Kilpatrick)

A great blow for progress might have been struck this past weekend, if only it had been possible to send the Congress, by private automobile, to the Eastern Shore beaches. Their eminences would have struggled back to their chambers on Monday and roared a mass transit bill to immediate enactment.

As it happens, members of the House and Senate have too much sense to get on the highways headed east out of Washington, especially on a Saturday morning in July. This past Saturday produced a traffic jam that was stalled bumper to bumper on Route 50, over a stretch of 12 steaming miles, for upwards of three hours.

Consider that monumental jaw: It offers a spellbinding picture of America the affluent, America the addle-headed. Here were a quarter of a million human beings, more or less, shoe-horned into their cars with inner tubes, beach umbrellas, bath towels and bathing suits. They were plunging like lemmings toward the sea.

Only they weren't plunging. They were inching along, mostly in low gear, with tempers and radiators boiling. Two-thirds of these people were little people, and they all had to go to the bathroom. They finally made it to the beach by mid-afternoon. The bulk of them stayed overnight. Then they fought their way back on Sunday afternoon. These are presumptively intelligent people, not idiots, and most of them will try it this weekend again.

But this is lunacy, and the same lunacy obtains across our land. For want of a balanced transportation policy, we have become captives of our own machines, hostages to a national obsession that sees a net 10,000 automobiles added to our clogged highways every day. In the process of building ever wider freeways, we have ravished the country and ripped up our cities. And every day it gets worse.

When do we come to our senses? On June 30, a House committee finally reported the administration's new mass transit bill, authorizing $3 billion over the next five years in loans and grants for improving public transportation systems. It is a useful sum—it is about double what the Senate has proposed—but it is only a little more than the federal government provides for highway construction every 12 months. It is only a patch on what needs to be done.

An answer has to be sought in a complete reversal of transportation policies, by which mass transit comes first and private autos come second. Such a shift in emphasis won't be easily achieved—the idea has little popular support but it has to come. Otherwise we are caught on an expressway to chaos.

The picture is not wholly bleak. Over the past five years, the Urban Mass Transportation Administration has provided $685 million in capital grants, and another $105 million for technical studies. With local matching money, this has meant a billion-dollar shot in the arm. Some interesting possibilities are taking shape. In September, the UMTA will receive the results of a 15-month intensive study of mass transit prospects in Dallas, Denver, Atlanta, Seattle and Pittsburgh. Such cities as Cincinnati, Dayton, Los Angeles, Minneapolis, New Haven and Philadelphia recently obtained grants to experiment with new ideas in their urban corridors. Here and there, in bits and dabs, a good deal is being done.

Yet the situation does not really improve. The transit industry is in deep trouble. Its profits before taxes have dropped from $313 million in 1945 to a loss of $31 million in 1968. Passenger volume this year is running nearly 6 percent below 1969 levels. Ten years ago only 48 systems were publicly owned; now there are 127. The more fares are increased, the more riders are lost.

Maybe the House bill will help. Maybe. But nothing of significant value will be achieved until we get our priorities straight, which is to say, until we decide that life has to hold more than five broiling hours on the road to Rehoboth Beach.

RESULTS OF U.S. OPERATIONS IN CAMBODIA

Mr. FULBRIGHT. Mr. President, I invite the attention of the Senate to an article concerning the results of U.S. operations in Cambodia, written by T. D. Allman, and published in the Far Eastern Economic Review of July 9. Mr. Allman sums up the results in this way:

The fact remains that the U.S.-South Vietnamese invasion was a blunder. Like some gigantic personification of Gresham's Law, it seems to have achieved the exact reverse of what was intended.

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

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

EVER WIDER

(By T. D. Allman)

PHNOM PENH.—Men were still dying in Cambodia last week and another nation—

Thailand—was lusting after a piece of the action.

In Peking, Prince Norodom Sihanouk, back from a trip to Pyongyang, was confidently pointing to the North Koreans as military allies if required. In the US, Richard Nixon applauded his Cambodian excursion by deftly making the successful withdrawal deadline sound more significant than the invasion. In Phnom Penh, Premier Lon Nol played politics and the red sodden soil of Cambodia, which American bombers now may bomb but which American boots may not tread, almost certainly was home once again for the Vietcong and the North Vietnamese.

The problem the US now faces in Cambodia—shoring a third front in an expanding quicksand war while following the Nixon Doctrine and keeping a "low posture"—is rather like the dilemma confronting an architect commissioned to design a short skyscraper.

The fault, to be sure, does not lie 100% in Washington, or even at American headquarters in Saigon. The CIA did not, as the communists now aver, overthrow Sihanouk on March 18. The US did not even rock the boat first. It was only after the Cambodians had ousted Sihanouk themselves and North Vietnamese and Vietcong troops had advanced to within 20 miles of Phnom Penh that US and South Vietnamese troops plunged in.

The fact remains that the US-South Vietnamese invasion was a blunder. Like some gigantic personification of Gresham's Law, it seems to have achieved the exact reverse of what was intended. It:

Inflamed antiwar seniment at home rather than reduced it, and made continued US involvement in a wider Indochina war a certainty, rather than speeding, as hoped, a withdrawal from that war

Reduced North Vietnam's interest, already minimal, in the Paris talks by driving Hanoi and Sihanouk still deeper into Peking's arms

Drove communist troops deeper into Cambodia, thus increasing pressure on the Lon Nol government rather than, as intended, reducing it.

The consequences of this latter backfire have been particularly conspicuous in the weeks surrounding the April 30 withdrawal of US ground forces from Cambodia.

The withdrawal, unlike the invasion itself, offered hawks and doves rare ground for common emotion, unhappiness. Observers tended to divide themselves, between those who thought America never should have come in, and those who felt America should never leave. The two positions, of course, are not mutually exclusive. And to the mutual unhappiness, there was added an additional element of unanimity. Except for those especially paid to deny it, it was universally obvious that Cambodia had become, some time between April 30 and June 30, America's third Indochinese client state.

The relationship originally could have been avoided with consequences only less agonising than those which probably will result from it. On April 30, it was obvious that the Vietnamese communists were on the verge of turning the Lon Nol regime into a 100-day Reich, and restoring Sihanouk with his neutralist credentials reduced to the approximate value of Confederate savings bonds.

America was faced with the choice of accepting a minor geopolitical disaster or risking a major one by trying to pull Lon Nol's chestnuts out of the fire. Nixon made the choice, and from the moment the first American soldier crossed the frontier the US was bound irrevocably to make Cambodia, if not an honest, at least a kept woman.

Nixonisation, as it currently is being practised in Cambodia, departs from the Nixon Doctrine in that the US in fact continues to pick up the tab and shoulder the responsibilities, or pay others to seem to share them. It differs from the original US commitment in Vietnam in that it is unadmitted and all the hope and moral conviction and real belief that the skin can, or should, be nailed to the wall is gone. It differs from the US commitment to Laos in that it can't be kept hidden, even for a short time.

Nixonisation, for all that, is produced by the same factors that brought Vietnam and Laos to the television screens of America: a bureaucratic and military impulse to expand rather than to contract; an unwillingness to accept small defeats even at the risk of bigger ones; and a really tragic inability to assign meaningful priorities of national interest. And a power vacuum.

There is not, for the moment, a US AID programmee or a budget subsidy, or a support fund to underwrite the increasingly worthless riel. But there is an economic attaché, whose staff will grow too. USIS now confines itself mostly to showing films for the amusement of an expanding corps of resident journalists. But the possibility of libraries and Cambodian-American associations "is under study". And won't the Cambodians need a little help in psy-war too?

And the savings. "The appropriation (for military expenditures) cannot be that big," says one important US officials. "It is coming out of the MAAG budget, which is only US $350 million for the whole world."

So the official aid total will be $20 million or $30 million or maybe even $70 million if the Nixon administration feels the senate will swallow it.

But who is paying for the South Vietnamese troops, and out of which allocations? And for the Khmer Krom? For the tactical support missions? For the Thai and South Vietnamese equipment that will come in from Saigon and Bangkok, and be replaced in the "donor" countries? It will come, all told, to about $500 million. More next year.

For the moment, however, Nixonisation, like Vietnamisation before it, is undoubtedly having its impact. The Phnom Penh rickshaw drivers are learning English; the Cambodians officers are going off for training in America; there are a lot of dead Vietcong out in the woods; and for the moment, US fire-power and South Vietnamese troops are keeping the communists from Phnom Penh's door.

All this is being done as inconspicuously as possible. For example, the US Embassy can call or veto American air strikes in Cambodia but doesn't boast about it. The military attachés don't wear uniforms.

It's a great deal to do inconspicuously. And what it really means is that Nixon administration is grasping for victory, less and less limited, as the way out. It is a tremendous gamble, because now the whole of Indochina, not just South Vietnam, is at stake.

The short skyscraper is already the biggest building in Phnom Penh, and it has just begun to grow. But we shall have to wait a time now to find out if hiding in the grass Cambodian-style is any less sterile than the older tactics of Laos and Cambodia, and was worth forsaking the genuinely "low profile" Richard Nixon promised when he took office.

SERIOUS PROBLEMS IN NORTH VIETNAM

Mr. DOLE. Mr. President, it has become obvious that the faint hearts in our Nation would quit and surrender in South Vietnam without ever considering what the situation might be like in North Vietnam.

They would have a nation of 200,000,000—a nation that is the strongest on earth—knuckle under to a few million rice farmers whose chief weapons are courage and determination—things some Americans appear to be short on.

But despite their courage and determination, all is not well with the North Vietnamese.

A Japanese newsman who recently toured that nation tells us, in fact, that it suffers from serious problems.

United Press International published a story yesterday, that I did not see in the local newspapers, that quotes the Japanese reporter.

In the hope that it may give new courage to many who have felt the United States must quit, accept defeat, surrender, and abandon the South Vietnamese, I ask unanimous consent that the article be printed in the RECORD.

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

TOKYO.—A Japanese newsman who toured North Vietnam and interviewed its leaders said Monday Hanoi faces serious labor and logistical problems and might be in real trouble if the United States resumes bombing.

Shigeru Usami of the Mainichi newspapers said in a luncheon address that North Vietnam speaks hopefully of victory but, "I notice there are serious problems they have to face."

Usami, a China expert for the Mainichi, one of Japan's national newspapers, spent 40 days in North Vietnam in May and June and interviewed Premier Pham Van Dong and Prince Norodom Sihanouk, the deposed Cambodian ruler. He visited Hanoi, Haiphong, Vinh and other points.

"There is a danger of the slackening of morale of the people," he said. "North Vietnam has a very serious labor shortage in factories. Transportation is a bottleneck.

"In the agricultural area, the labor shortage is very evident. I visited North Vietnam at the busiest time of the year for farmers, and I heard that agricultural cooperatives could not handle their work.

"I saw many old men and old women, housewives and young girls in their low teens and young boys doing farm work. Judging from such manpower shortages, there must be a limit in human resources in their expanding the war beyond Vietnam."

Usami said the one-man concrete air raid shelters placed every five yards on Hanoi streets are not being maintained.

"A year ago, the Hanoi shelters were cleaned once a week or so," the Japanese newsman said. "But in my 40 days, I saw none of them cleaned. Terrible odors came from the shelters and there was a general abandonment. After rains, they are filled with water and earth."

Speaking of the shelter neglect, he said, "if America resumes bombing of the north, maybe North Vietnam will be in very serious straits."

SOURCES OF DISSENT — COMMENCEMENT ADDRESS BY ROBERT S. MICHAELS

Mr. CRANSTON. Mr. President, it is vitally important for all of us to know the thoughts of emerging leaders of the oncoming generation of Americans.

I was struck by the clear, strong views set forth in the commencement address delivered recently at the University of California at Los Angeles by a young citizen of my State.

Many will find much in his words that they will disagree with, and certainly much in his speech is controversial. I trust, however, that no one of any age,

of any generation, will quarrel with his effort to relate the principles associated with the founding of our Republic to the challenges and crises of our time, nor with his expressed devotion to "the very form of government we all cherish so deeply today."

I ask unanimous consent that this commencement address by Robert S. Michaels, delivered June 18 at UCLA, be printed in the RECORD.

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

SOURCES OF DISSENT

On July 4, 1776, a group of young men, with high ideals, and long hair, met together to determine the fate of this country. Their purpose was to start a revolution . . . a revolution which fostered the very form of government we all cherish so deeply today. They recognized that men are endowed by their Creator with certain inalienable rights, that all men are created equal—that these truths were self-evident. The very essence of their beliefs, the nucleus of their protest was the conviction that governments are instituted among men to secure the rights of the populace—that these governments derive their just powers from the consent of the governed, and that when ever any form of government becomes destructive of that way of life, that it is the obligation of the people to alter or abolish it, and institute a new government.

We, the youth of today, are not unlike our founding fathers, in that both groups are the idealists of their day. Our numbers are greater, our arguments more pressing, our purpose is to preserve the American way, rather than to destroy it.

We are thinkers, foremost. Our best approach to change is through reasoned argument. The fodder for this rhetoric comes from you, our parents, our teachers, and from the generations that have come before us. You have raised us, directed our thoughts and established within us the frame of reference from which we will view life. Our thoughts and actions are a direct reflection of you—of what we see in you, of what you really are. If you find us a contradiction, then the contradiction is in you!

All our lives we have been taught of the glorious heritage that is ours as Americans, and of how we must not forsake it. You have given us the privilege to think and learn in a free society, and for this we are most appreciative. However, this opportunity has made us selfish—we have been immersed in the idealism on which this country was founded, and we do not intend to give it up easily. The ideal citizen is more than an individual who pays his taxes, or is willing to sacrifice his life for the preservation of the system. For you see, a long hard battle was fought in the 1700's—a battle to establish this as a government of the people. A government controlled by the people through their elected representatives. A government in which you and I are to be consulted at every step. Our forefathers sacrificed efficiency solely to prevent one man from gaining the power to rule millions. It was not intended that the people blindly believe in the president and do as he says, but rather that the president consult all the people and do as they request. The ideal citizen must insure the preservation of our system of government as our forefathers intended it to be. Now, we reach out to embrace this idealism, this essence of America—it isn't there. We cannot forsake this idealism, we cannot accept the bastardization of our government by those who are entrusted with its preservation. Our beliefs will not be diluted by life's experiences. We shall not yield!

Thus, we protest. Protesting is an extension of our thought processes. It is a traditional method of vocalizing our ideas, of making democracy responsive, of fulfilling our duty as citizens. In fact, it has been the students protests which have brought about the rapid mobilization for a quick and lasting peace abroad and a deep concern and sensitivity to the domestic problems that plague our society.

Education has been our foundation—seeking to establish peace between man and nature, and man and man has been our goal. But the knowledge we have gained, has brought with it fear, fear and insight into what misunderstanding and lack of communication is doing to our country. We see what the public reaction is to the small amount of violence committed on the campuses, yet there is little concern shown for the blatant lack of due process exhibited every day in the ghetto by the local authorities. We do our best to peacefully convey our concern to you, yet we are branded as bums, effite snobs, and threatened with a blood bath. Our President has adopted the slogan, "Bring us together", yet he and Vice President Agnew are dividing the country, perpetrating a polarization of which they seem to have no appreciation. At a time when a united front is of the essence, the president is joining forces with the "hard hats" and refusing to speak, let alone listen, to those expressing dissatisfaction with his policies. Our president is surrounding himself with advisers who share only his view point. This has two important consequences . . . it does not insure us of the best possible leadership in a time of great need, and it prevents the president from hearing the views of all the people. Is our president a leader, or is our president a ruler? We see a purposeful attempt by our nations leaders to frustrate minority interests, to slow down our struggle for equality for all. We see our leaders capitalizing on the hatreds and prejudices of our citizens to elect a repressive government. Americans are not a hostile or hateful people . . . but if someone yells Nigger loud enough, we elect George Wallace. If someone yells student loud enough, we elect Ronald Reagan. We view with horror the attempts of our country to control dissent, to prevent free speech—to choke the most cherished right of our people.

We watch the Regents of this great University, who have chosen not to listen to those who are best qualified to judge, nor to obey the law of the land, but rather to irrationally and arbitrarily restrict the inputs which we may receive in our quest for knowledge—to fire a professor for her political beliefs. This we cannot stand for! The entire ugly mask of censorship looms over our heads threatening to envelop everything we cherish, repressing all creative intellectual activity and stifling the very brains of our country. But most we fear the changing role of our nation in world affairs from one of big brother, used in the sense of one who helps a smaller brother to become self-sufficient, to one of being big brother in the Orwellian concept, as expressed in his novel, "1984."

The heightened campus protests this Spring might have gone the way of other previous demonstrations, suffering a death due to apathy and frustration. But then came Kent State. It was no longer blacks in Augusta, students at Orangeburg or Jackson State. It was white students in Ohio. It was you and me, all of us, anyone trying to think and question in a peaceful way. We have been wounded, we have tasted blood, and we are no longer the same.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our separated petitions have been answered only by repeated injury. The present conditions are not without warning. There is still time to work with us, to make America a real democracy—to promote understanding among all men—to bring equality to all peoples. We wait no longer. Join us . . . we are America.

We seek justice, equality and the freedom which is ours as Americans.

All we ask is peace!

A LESSON IN REVERSE

Mr. BROOKE. Mr. President, during the past few months we have witnessed an amazing and heartening demonstration of political awareness and involvement on the part of many young Americans. Particularly during the month of May, many of our offices were visited by delegations of college students and other young people concerned by the course of the war in Southeast Asia. At that time, many Members of Congress praised this youthful participation in the political process and urged in the strongest terms that that activity and future endeavors remain within the system. This advice almost became a cliche—work hard for your beliefs, but work within the system. The implication, of course, is that the system will be responsive to this type of activity.

Fortunately, most of the students have followed our advice and stayed within the so-called system. But I invite attention to the type of situation which, if it persists and becomes typical, may make our advice appear fraudulent.

A controversy currently exists in northern Virginia concerning the use that will be made of a piece of land known as the Burling tract. Without discussing the details or the merits of the case, let me simply state that a development firm purchased this land, which lies on the Virginia shore of the Potomac downstream from Great Falls, from private owners last year and announced plans to erect 309 homes on the 336-acre tract. At this point, students and area residents interested in conservation began a move to involve the county government in order to preserve Burling tract. As a result of these efforts, much has happened. Secretary of the Interior Walter Hickel has pledged half of the purchase price to the county government to keep the land as a park or a recreation area. As the result of a referendum held at the time of the Virginia primary election a few weeks ago, the citizens of the district voluntarily voted to raise their taxes to contribute to the purchase of the land. The county board of supervisors, has also embraced the cause of Burling tract and has voted to make an offer to the development firm.

All of this activity, let me repeat, resulted in large part from the voluntary efforts of a group of high school and college students from Virginia. Currently, negotiations are underway but, I regret to say, bulldozers are at work at the same time. The development firm has seen fit to proceed with the bulldozing of streets through the wilderness area and, even now, are carving streetways through the trees. Of course, this action is irreversible. The wilderness, once disturbed, can never be replaced. And, while negotiations continue, the firm has stated that it will continue with its development plans.

Mr. President, what disturbs me is the negative impact, the lesson in disappointment, that this will have on the young people who have become involved in trying to save the Burling tract. They have worked within the system and they have worked well. They have presented their case in an orderly manner, and have won converts to their point of view. They have pressed for an election, and have won it. And now, those efforts seem to have been in vain. The system appears to have been unresponsive. The public welfare, the expressed wishes of the people, the best efforts of the local government, all appear to have been ineffective.

Those who have worked so hard and so well to make the system work deserve something better than frustration and disappointment. Nor is this incident unique. I fear it has been repeated too many times across the land.

I make no judgment about the merits of this particular case. I only bring it to the attention of the Senate as an example and, perhaps, as a warning to all of us. We all will have to enforce our advice to stay within the system with an equal effort to insure the sensitivity and responsiveness of that system on all levels. It is a problem that no one can afford to ignore.

TRANSITION IN AMERICAN PUBLIC OPINION

Mr. FULBRIGHT. Mr. President, Foreign Service Journal for July 1970 contains a most perceptive and interesting article entitled "An American Foreign Policy: Imperative—Responsible Restraint." The article was written by Marshall Wright, a Foreign Service officer.

Mr. Wright discusses the transition that has taken place in American public opinion in recent years from an attitude supporting an "activist foreign policy" to one that favors what Mr. Wright calls "a policy of deliberate but responsible restraint in national security matters" which, he says, does not mean "a return to isolationism of the pre-World War II variety."

I commend Mr. Wright's thoughtful article to the attention of Senators and other readers of the CONGRESSIONAL RECORD who are interested in foreign policy matters and ask unanimous consent that it be printed in the RECORD.

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

AN AMERICAN FOREIGN POLICY: IMPERATIVE—RESPONSIBLE RESTRAINT

(By Marshall Wright)

(NOTE.—FSO-2 Marshall Wright authored "An American Foreign Policy: Imperative—Responsible Restraint" during the year he just completed as the first State Department Senior Fellow at the National War College. As we go to press Mr. Wright is beginning his second assignment on the staff of the National Security Council where he had served previously in 1967–68. During his career, which Mr. Wright describes as "at best, checkered," he has served abroad in Canada, Burma and Thailand, and in the Department in a variety of slots.)

An era is at an end.

For more than two decades, the essence and the heart of our behavior as a nation has been an activist foreign policy. It is through our assertion of world leadership that we have expressed our national purpose and identity. We have judged our national leaders primarily against the standard of their performance in the international arena. Our sense of well-being and accomplishment has been, to a great extent, a measure of the apparent success or failure of our international role. Our government's best minds, and the better part of our governmental energies, have gone into creating, protecting, and applying American influence to the course of world affairs.

Our international role has dominated the intellectual climate of American life to such an extent that for several decades, the first criterion of an intelligent, responsible, and informed American citizen has been his ready acceptance of the necessity for our active assertion of world leadership. He who challenged or resisted the activist thrust of American foreign policy was—by definition—either unwise, irresponsible, or uninformed.

It is no mystery how international affairs achieved this overweening role in our national life. At the beginning of the era, our society came to believe several propositions which, in retrospect, made such dominance almost inevitable:

The era began with a world conflagration which was seen as the more or less direct result of the failure of the United States after World War I to shoulder its international responsibilities. Americans generally accepted the proposition that when the United States turned its back on the League of Nations—on collective security—on an active role in world affairs—we condemned the world and ourselves to the tragedy of World War II.

We came out of World War II with a virtual monopoly of the kind of national strength which could be used effectively to influence the nature of the world in which we live. No one else could even attempt the task of creating a world order conducive to peace and prosperity. We, alone, possessed the potential for benevolent leadership. Not to use our potential was tantamount to saying that the course of world events did not matter, that it could safely be left to blind fate. That proposition obviously was untenable in the aftermath of World War II with its 30 to 40 million dead and its introduction of the atomic bomb.

Most important of all, we became convinced that there existed an intense and urgent threat to our national well-being. A united world communist movement was working with profound determination and frightening skill to take advantage of the general instability that followed World War II. Our strength and our influence stood as the only effective barrier to the broad extension of communist power. A prime communist goal, therefore, was the destruction of our strength and influence. Simple survival demanded that we defend ourselves by contesting with the communists for the future of the world.

These three propositions, I believe, constituted the philosophical foundation for the American assertion of world leadership after World War II. They were the reasons why the United States Government decided upon, and the American people assented to, this departure from the traditional American resistance to overseas involvements.

Americans are, however, a pragmatic people. Our original commitment to an activist world policy was a matter of cool calculation. Our subsequent enthusiasm, and the resulting dominance of world affairs in our national life came later. It evolved out of our actual experience with an activist role abroad. For it worked. To our delight, our pride, and our intense sense of accomplishment, it worked.

As the United States began to assert its leadership in world affairs, we experienced one glittering success after another. The Russian assault on Iranian independence vanished in the face of American firmness. The communist attempt to take Greece foundered on the rock of the Truman Doctrine. The Marshall Plan was a brilliant success in restoring the economic viability and the political stability of Western Europe. The airlift kept Free Berlin alive. Our occupation policies toward Germany and Japan succeeded beyond all precedent and all expectation. The nations of the world demonstrated an almost eager aceptance of American leadership. The United Nations was generally responsive to American initiatives. Under our benevolent gaze, colonial empires were liquidated, and sixty-three new countries came into being.

But, at the same time, the Russian development of a nuclear arsenal created a sense of deep threat. It underlined the need for an overwhelmingly strong military force and an active world policy to circumscribe the growing communist strength. The initial Russian lead in space was seen as a setback, requiring a massive United States Government catch-up effort and a thorough overhaul of our educational and scientific/technological performance.

Our successes, then, encouraged us to do more—and our setbacks forced us to.

Moreover, the cost of our activist policy came to appear to be tolerable, if not surprisingly light. Although we initially shouldered the costs of an activist national security policy with a sense of picking up a necessary burden, we soon came to feel that the "sacrifice" had no real bite. The American economy prospered and continued to prosper as never before in our history.

Thus grew a unique phenomenon in the history of world affairs. The United States came to define its proper international role almost solely in terms of what was desirable. We could do—and should do—whatever seemed adivsable. There was no need to cut our policy to fit a pattern of available resources. There was no need to disguish sharply between the essential and the merely desirable.

This attitude became an unspoken but fundamental part of the American aproach to world affairs. (It was identified and elegantly named "the illusion of American omnipotence" by the British scholar, Dennis Brogan.)

Lest the reader, in these days of our disenchantment, question whether our commitment to world leadership was ever so all encompassing and enthusiastic as I have described it, let me offer a piece of evidence. Go back and read John F. Kennedy's Inaugural Address. You will search in vain for one word addressed to domestic affairs. Indeed, a mention of domestic affairs would have been out of place, for President Kennedy quite explicity addressed himself throughout the speech to a world constituency, rather than a domestic one.

"Let the word go forth, from this time and place, to friend and foe alike, that the torch has passed to a new generation of Americans . . . unwilling to witness or permit the slow undoing of those human rights to which . . . we are committed today at home and around the world.

"Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, support any friend and oppose any foe to assure the survival and the success of liberty. . . .

"To those old allies whose cultural and spiritual values we share, we pledge the loyalty of faithful friends. . . . To those new states whom we welcome to the ranks of the free, we pledge our word that one form of colonial control shall not have passed away merely to be replaced by a far more iron tyranny . . . To those peoples in the huts

and villages of half the globe . . . we pledge our best efforts to help them help themselves, for whatever period is required . . . To our sister republics south of the border we offer a special pledge . . . to assist . . . in casting off the chains of poverty. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this Hemisphere intends to remain the master of its own house. . . . Finally, to those nations who would make themselves our adversary . . . Let both sides unite to heed in all corners of the earth the command of Isaiah—'to undo the heavy burdens . . . and let the oppressed go free,' . . . asking His help and His blessing, but knowing that here on earth God's work must truly be our own."

It is hard to imagine any more sweeping declaration that the business of America is world leadership. And it is worth remembering that this declaration, made by a President just elected by the narrowest of margins, was generally hailed as a brilliant and inspirational expression of the national mood. I, at least, cannot remember any criticism that it was too concerned with international matters, or staked out for the United States too grandiose an international role. It is instructive of the change that ten years has brought in our national attitudes to contemplate the reception which would be given today to such a declaration of American purpose.

With the passage of time, then, we came to see an activist world policy as a moral and practical necessity, sanctified by success, and essentially unlimited by any particular level of available resources. On this national consensus rested several decades of hyperactive American assertion of world leadership. It led to alliances with 43 countries. It led to the creation in foreign lands of 143 American military bases. It led to the consistent allocation of at least 40 percent of our federal budget to national security purposes. It led to the application of American military force in Korea, Lebanon, the Dominican Republic, Laos, and Vietnam. It led to our sending economic assistance to 111 countries, and military assistance to at least 79.

It is now clear that time has overtaken this consensus. Time—and changes both in the domestic and the international scene—has eroded the philosophical foundation on which our national security policies have rested since the Second World War.

The implications for American foreign policy are profound—and must be recognized squarely. Those who manage our national affairs must either find a new basis for a continuation of our policy—or cut the policy to fit the foundation that now exists in current American attitudes.

At the simplest level of complexity, this is true because we are society with effective representative institutions. It is *not* true that no American foreign policy can be long pursued without the support of the American public. In many instances, indifference serves quite as well as active support. For non-controversial policies requiring no great expenditure of resources, the executive branch need not be much concerned with what public opinion is, for more precisely, what it would be if it existed. The ultimate control of American public opinion on government policy is dependent upon two factors. First, the issue must be a matter of public controversy. Otherwise, public opinion, if it exists at all, is dormant and ineffective. Second, the policy must be one which requires for its successful implementation the expenditure of large resources. Otherwise, the ultimate sanction of public opinion, the Congress, is not fully effective.

The rule, then, goes something like this: no American foreign policy can long be effectively pursued without public support *if* the policy is a matter of public controversy, and *if* its implementation requires the expenditure of significant resources.

And this is precisely the crux of the present crisis facing America's national security policy. It is the activist nature and the high cost of our world policy which is now a matter of public controversy.

The critics no longer accept for foreign policy the dominant role in our national life. They assert, instead, the higher priority of domestic affairs. They no longer agree that the cost of our national security policy is tolerable. To the contrary, they consider it excessive. They no longer accept the communist threat as so urgent and imminent as to require an all-out national effort to create and maintain a world order conducive to our own well-being. Instead, they assert that there is no longer a united world communist movement, and they question, in any event, whether it is still implacably and effectively dedicated to the destruction of America well-being.

The truth of these assertions is not, of course, demonstrable. Alone, they would probably not be sufficient to force a redirection of American policy. But the criticisms do not fall into a vacuum. They fall on a fertile soil of domestic opinion. For hand-in-hand with the growth of a minority severely critical of the assumption underlying our activist policy, has come a great change in the psychological attitude of the American people toward the nation's role of world leader.

A large part of our people no longer respond to the vocabulary of our foreign policy. The zest is gone. The exciting and youthful sense of purposeful leadership in decisive events has been replaced with a middle aged skepticism born of experience and weariness. We are no longer sure that the events are decisive, and we are no longer so confident that our leadership is purposeful. Would it not have been better, in retrospect, if we had never gotten into Vietnam at all? What will be the end result of all our effort there? Why with our mighty and costly defense establishment, can we not bring to a successful conclusion a conflict with a weak and small enemy whose force has never exceeded 300,000? Is the end result of our investment in national security a situation in which a minor power can with impunity seize one of our naval vessels and imprison its crew? Is the end result of the Alliance for Progress a situation in which Governor Rockefeller cannot visit South America without becoming a focal point for widespread riots? Is the end result of the Marshall Plan and NATO a situation in which we are booted out of France and in which our oldest ally, until recently, seemed determined to undermine the dollar? Why must the United States maintain a military force of 350,000 men in Europe, while not a single NATO ally meets its military commitments to the strength of NATO? Does foreign economic assistance do any good, and if so, why does the gap between the have and the have-not countries continue to widen?

It does no good to dismiss the question as unfair. As President Kennedy observed, life is unfair. These are questions which American citizens ask themselves. They find no truly satisfactory answers. And the result has been a fundamental change in their attitude toward the American role in world affairs. Somehow, we seem now to be the victim of distasteful events, rather than the purposeful leader of decisive ones. There is no longer much emotional satisfaction to be gained from our international activity—and there used to be much.

Similarly, it is pointless to dismiss the criticism of our policy as unworthy of serious consideration. That kind of Olympian rejection is merely an outmoded manifestation of the intellectual sanctity which our activist foreign policies enjoyed for several decades—but enjoy no more.

There is, in fact, considerable merit in most of the propositions of the critics of current American policy. It is true that the world communist movement is no longer united. It is true that the threat posed to the United States by communism no longer appears as urgent and heavy as it did twenty years ago. It is true that the balance of payments problem, the human and material costs of the Vietnam war, and our domestic inflation, have destroyed the once proud American assumption that world leadership could be asserted without significant sacrifice to our domestic well-being. And it is certainly true that within the past few years we have become conscious as a nation of grievous and frightening weaknesses in our domestic life which demand not only our resources, but our concentration.

In any event, for purposes of this analysis, it does not matter so much whether the criticism of American policy is right, as that it is widespread. What is true is in a sense less important than what the collective American mind thinks is true. And in the collective American mind, there is no longer a shared set of beliefs, a common philosophical foundation, to support so activist a world policy as the United States has followed in recent decades.

That policy was possible only because of a shared concept of reality—a view of what was true about the world in which we live and what was necessary for our well-being in that world. That view of reality has changed. Our policies, perforce, will change with it.

I submit that there is now in our national psyche a set of general convictions that make a de-emphasis of our international role as much a certainty in the decade ahead as was its expansion in the aftermath of World War II. Those convictions are:

At home, we face an urgent and imminent threat to our national well-being. Our domestic crisis probably transcends in seriousness and is in any event more immediate in its impact than the dangers which face us in the international arena. The first order of American business is to come to grips with our domestic problems.

The operations of the United States Government in the field of national security have got somewhat out-of-hand. Our expenditures for the defense establishment, our maintenance of military forces abroad, our commitments to the defense of other countries, all seem out of proportion either to the need for or the benefits which accrue from such operations.

Our impact on world affairs is no longer as effective and as decisive as it once was. In many instances, our operations abroad seem to exacerbate rather than mitigate problems. Our ability to control events abroad is, somehow diminished, and our general assertion of world leadership often involves us in problems not susceptible to satisfactory resolution by our efforts.

It is a mistake to consider these attitudes as the result of the Vietnam war. For that implies that the attitudes are transistory, and will change once the Vietnam trauma is behind us. Such a reversion is highly unlikely. Indeed, without some unifying event of transcendent importance, such a reversion is inconceivable.

To be sure, the Vietnam war has contributed mightly to the transformation in national atitudes. It precipitated, it accelerated, and it greatly intensified the reconsideration of America's activist world role. It gave to what otherwise might have been a reasonably cool and detached assessment of national priorities, a white-hot emotional flavor and—on both sides—more than a touch of crusading zeal. But the seeds of reassessment were already present and visibly sprouting in such phenomena as the Congres-

sional and public skepticism toward foreign aid, the growing expressions of concern with the "military-industrial complex," the easy public acceptance of strictures regarding the American role as "world policeman," and, most of all, the rising tide of high concern with our domestic racial and urban problems.

Nor is it reasonable to believe that the current American role can be long maintained by a supreme effort of "public education," and a dogged determination by our national leaders to hold the line. Such an effort, however noble in its motivation, would be wrong-headed and futile.

The nature of international life is such that the undiminished assertion of American world leadership is—simply—impossible. It would require for its success an assured continuity which it does not now possess—and cannot now be given.

For the first requirement of the successful application of American world leadership is the willingness of foreign governments to accept that leadership. And no foreign government can commit its well-being to dependence upon the United States unless it can have confidence in the continuity and the reliability of our commitments.

In the present state of American public opinion, we are clearly in for a protracted and highly publicized struggle over the nature of our international role. Each of our biennial elections is taking on the character of a national plebiscite on our foreign policy, and an increasing number of Congressional roll-calls are billed as attempts to change the course of American policy.

Under these circumstances, few things could be a greater disservice to an effective American foreign policy than for our national leaders to hold to the fiction that all is as it has been, and that current U.S. foreign policy continues to be a rock upon which our foreign friends can build with total confidence.

Our foreign friends know better. They are acutely aware of our domestic disarray, and of the heated debate over national priorities. They follow, and they absorb the implications of the widespread charges that we are "over-committed." They will not—for they cannot—continue to shape their national policies around the assumption that American policy is a constant and dependable factor. To assure them that they "can count upon us," is to ask them to respect King Canute's judgment regarding tidal movements.

Foreign governments already know full well that changes are in store for America's international role. They already know that the Executive Branch of the United States Government is beleaguered by a rising Congressional and public demand for a cut-back in America's international operations and commitments. What they need now to know is how the Executive Branch will come to terms with this sentiment, and what the shape of American policy will be after the terms have been struck.

A renewed sense of confidence in us and our commitments is dependent upon the emergence of a restructured policy which demonstrably has continuity. That continuity can only come from a broad consensus of American public support. Until the United States has created such a policy, both our friends and our enemies will be uncertain as to our future role.

In such an atmosphere of uncertainty, *no* American policy can be truly effective. In such an atmosphere, it approaches the fatuous to insist upon an undiminished assertion of broad American world leadership.

I should, at this point, make it clear that I do not seriously contemplate the possibility that the United States is headed for a return to isolationism of the pre-World War II variety. There is, so far as I can see, no significant American sentiment calling for a crude withdrawal from the world. Outside the farther reaches of the New Left, there are none who suggest dismantling our military establishment, least of all our strategic nuclear deterrent. Few, indeed, would suggest that we scrap the concept of collective security, terminate all our alliances, and tell the rest of the world to work out their future with the Soviet Union and Communist China.

There is no support among the American people for such a policy. They are not foolish enough to permit such a policy to be foisted off upon them. But neither are they foolish enough to believe that the only alternative to the policies of the past two decades is a feckless and improvident retreat to isolationism.

Instead, it seems to me, the American mood calls for a policy of deliberate but responsible restraint in national security matters. It calls on those charged with our security to exercise this restraint without the sacrifice of fundamental national interests.

Put another way, it seems to me that the message which should be heard by our diplomatic and military professionals is something along these lines: "You have had a good long run at asserting world leadership in a very active way. We have given unstintingly of the resources you have said were necessary. Now we'd like to be able to concentrate on some problems here at home. Moreover, we think maybe we've reached the point of diminishing returns on some of this world leadership business. We know we still have to do our part, and we're willing to do it. But we want you to manage things so that our part doesn't take up so much of our attention and resources. Even God rested on the seventh day. Give us a little repose."

It seems clear that our national political leaders have absorbed this public attitude. Perhaps they share it. If not, they appear nonetheless to have accepted it as an imperative in their conduct of our affairs. That is what the Guam Doctrine means. That is what Secretary of State Rogers means by a "more modest" American approach to international problems.

It can be argued that those charged with the management of our national security should be greatly stimulated by such a challenge. It takes one level of professional competence to identify what things are desirable to do in terms of national security. It takes another—and altogether more demanding level of competence—to decide which of these desirable things can be left undone without running unacceptable risks. From the professional point of view, the whole process of fitting our national security policies to a pattern of reduced resources and restrained activity will be a matter of risks assumed. Applying restraint in our national security policy means, precisely, deciding what we can afford not to do.

We are, in all probability, in for a sustained period in which fewer resources will be provided to meet our foreign policy and national security needs. Hard, and perhaps agonizing, decisions will have to be made as to how those resources can best be used. In making those decisions, the nation will need the fullest participation of those who understand best and care most about America's international role.

They must not disqualify themselves from serious participation by adhering to views which are fast becoming irrelevant. Those who continue to insist that we should do all that we have done, can contribute little to deciding what not to do. Those who deny the necessity for making painful decisions as to our priority interests, cannot influence the decisions as to what those priority interests are. And it is those decisions that will determine the future shape of American policy.

It therefore seems to me that the first order of business for internationally-minded Americans, and above all for our military and diplomatic professionals, is to recognize and accept the inevitability of constraint in American foreign and national security policies. We need to get on with the task of restructuring our international and defense postures to something that the American people will support and the rest of the world will believe in.

As one who has spent his entire mature life in the field of foreign affairs (and profoundly believes in the general wisdom of the policies we have followed since World War II), I do not come lightheartedly to the conclusions set forth in this paper. But neither can I bring myself to view these developments as unrelieved tragedy.

It is not, after all, a bad thing for the American Government to reflect the sense of priorities of the American people. It is, after all, a truism that leadership in world affairs can only come from the vitality and strength of domestic life.

There is, perhaps, great wisdom in the instinct of the American people that the time has come for the United States to behave with more circumspection and modesty abroad, and to concentrate, for the time being, more of our attention and our resources upon the mote in our own eye. There is, both at home and abroad, a considerable resistance to and resentment of what is seen as an excessive assertion of American leadership in the world. It is in the oldest American tradition that we recognize and respect that sentiment.

It is not immoral to be more chaste with our favor. It is neither selfish nor irresponsible to believe that the greatest gift that the United States can make to the world is to keep our own society healthy and our own institutions strong. And, there is much truth in Montaigne's observation that "a man doth of times doff his doublet only to jump shorter than he did in his cape."

It is hardly likely that a more selective and discriminating American approach to international obligations and operations will result in a general collapse of the international system. It is possible that it might even lead to a strengthening of that system.

In any even, we have come as a nation to a point where it is inevitable that we shall have a change of emphasis in our national policy. For good or ill, the United States is in for a period of restraint in international affairs, and of concentration upon our domestic problems.

It is incumbent upon the internationalists among us to accept and preside over this process with the courage which Hemingway defined as grace under pressure. For it is essential to our national security and well-being that the process of restructuring our international role be performed with a delicate instrument and with a wise discrimination between the necessary and the merely desirable. Surgery is inevitable—and surely it is better that it be performed by professionals with a scalpel rather than by amateurs with a hatchet.

CLAIM OF TAOS PUEBLO INDIANS TO BLUE LAKE AREA

Mr. HARRIS. Mr. President, on July 9, 1970, the Subcommittee on Indian Affairs of the Interior and Insular Affairs Committee held hearings on the claim of the Taos Pueblo to the Blue Lake Area.

At that hearing I testified in support of H.R. 471, a bill which would remove Blue Lake and the surrounding area from the Carson National Forest and transfer title to 48,000 acres to the United States in trust for the Taos Pueblo. This bill has the support of the Taos Indians and countless Americans who are demanding that at long last past injustices visited upon the Taos In-

dians be corrected. I ask unanimous consent that the statement which I made to the subcommittee be printed in the RECORD at the conclusion of my remarks.

The significance of the claim of the Taos Indians to Blue Lake has been highlighted by editorials in newspapers throughout the United States. I ask unanimous consent that a few of these articles be printed in the RECORD at the conclusion of my remarks.

Mr. President, I am hopeful that H.R. 471 will soon be reported to the Senate and that the bill can become law during this session of Congress.

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

STATEMENT OF SENATOR FRED R. HARRIS

Mr. Chairman, I am pleased to have the opportunity to appear before the Subcommittee to express my support of H.R. 471. In light of the fact that the return of the Blue Lake Area to the Taos Indians has been consistently recommended by the Interior Department since 1912 and that the Indian Claims Commission in 1965 found that the Blue Lake Area was unjustly taken from the Taos Indians by Executive Order in 1906, we cannot act fast enough to enact this just legislation. I have in the past—and I do again today—ask that H.R. 471 be acted upon expeditiously, and that Blue Lake and the surrounding area be removed from the Carson National Forest and that title to it be transferred to the United States government as trustee for the Taos Pueblo.

Each day more people are coming to realize the magnitude of the injustices perpetrated against American Indians through the years, sometimes in the name of national interest, but all too often for the benefit of other individuals who saw the Indian lands and possessions an easy source of wealth held by those unable fully to defend their rights.

A particularly glaring example of this sad history was the seizure of the Blue Lake, an injustice which has been worsened by our failure, after more than sixty years of efforts by the Taos Pueblos, to provide an equitable settlement of the matter. Several times, as we know, bills have passed the House restoring these lands to the Taos Indians, only to languish here in the Senate for various reasons. Monetary compensation, when offered, was rightly declined by the residents of the Taos Pueblo, to whom the Blue Lake area is sacred. The area is essential for the proper conduct of many of their religious ceremonies, and at the very least it shows a lack of sensitivity for the Federal Government to take the area away and offer money instead.

The significance of H.R. 471 is not limited to the Taos Indians. It has great significance for American Indians throughout the country who are rightly resisting extinction of their cultures, religions and heritage. If enacted, H.R. 471 will be an important beginning step by Congress toward declaring to the American Indian citizens of this country that a century of repression is enough, that, henceforth, it will devote its efforts to uplifting natural Indian pride and confidence, and toward confirming the strength of Indianness. To the Taos Indians, this legislation is not economic aggrandizement, but, instead, it represents getting back what is theirs, a place of highly important cultural and religious significance.

The requirement in H.R. 471 that the entire watershed remain "forever wild," as a Wilderness defined by law, insures that no one will interfere with the natural state of the watershed, the ecology of which is an ingredient of the ancient religion of the Pueblo. The rights of others are amply protected by the bill's prescription of conservation measures, preservation of vested water rights, and recognition of outstanding grazing leases.

At a meeting of the National Council of Indian Opportunity on January 26, 1970, the Indian members of the council recognized the great national importance of the claim of the Taos Indians to Blue Lake. In a written report they said:

"Because the problem is unique and because it has persisted over so many decades, we feel that the Taos struggle merits the special attention of the council."

The Indian members of the council went further specifically to endorse H.R. 471.

We have already waited too long to right the wrong which occurred in 1906 when this land was taken from the Taos Indians, a wrong recognized by the government since 1912. I urge the Subcommittee to approve this bill in its present form as rapidly as possible so that it may become law during this session of the Congress.

[From the Philadelphia (Pa.) Inquirer, July 9, 1970]

GIVING INDIANS THEIR DUE

We believe President Nixon's impulse toward righting the wrongs of America's Indian tribes is right and generous.

They have been swindled, brutalized, victimized and pushed around on this continent for nearly five centuries. And, as Mr. Nixon said, they are "the most deprived and most isolated minority group in our nation."

Whether the legislation he has proposed in a special message will go very far toward rectifying matters, however, is an open question.

The President seeks to empower the tribes or tribal groups to control and operate benefit programs, financed by Washington, in their own communities. This would get a lot of "paleface" government employees out of reservation affairs and, on the whole, ought to be a good thing.

It is noteworthy, though, that this move comes just at the time when the "treaty Indians" of Canada—who correspond to reservation Indians in this country—are having serious second thoughts about a similar program for them.

One common complaint is that, by years of educational deprivation, they have been effectively disabled insofar as management of their own affairs is concerned.

The same anxiety might be germane in the United States.

In one particular instance, however, Mr. Nixon cannot be faulted. He proposes restoring to the Taos-Pueblo Indians the whole 48,000 acres near Blue Lake, N. M., of which they were robbed in 1906—not just part of it, not just 1906-style payment, but all of it.

We think most Americans will agree that he is absolutely right.

[From the Washington Star, July 10, 1970]

NEW ERA FOR INDIANS

A square deal for the American Indians seems finally to be taking shape. President Nixon deserves commendation for his substantive and forceful message of July 8, telling the Congress it is time "for a new era in which the Indian future is determined by Indian acts and Indian decisions."

Mr. Nixon's statement on Wednesday, which was delivered at a White House meeting with Indian leaders, proclaimed a sharp departure in federal policy. He has agreed to the Indians' demands that they be given operational control of many federally financed programs which aid them, and that government assistance be continued. Mr. Nixon went beyond that, advocating an enlargement of expenditures, and he endorsed a pending House resolution that would return to a New Mexico tribe 48,000 acres of sacred land. Denouncing the "centures of injustice" endured by the Indians, he proposed some solid programs to bolster the livelihood, health, education and pride of the "first Americans." Aid is envisioned not only for tribes on reservations, but for the hundreds of thousands of Indians in poor urban areas.

Indians are heartened by this support for removal of what they perceive as the blight of paternalism—the ordering of their affairs by federal officials and field workers. They feel that lack of self-determination has eroded Indian pride. Also, they had feared a scaledown of government aid, since Interior Secretary Hickel a year ago said that they were too dependent on federal upkeep and would have to "cut the cord." With their problems of poverty, health, isolation and conflict with the dominant society, that is unthinkable to them. So the President's reassurances were a great relief.

No doubt their victory at the White House was due in large measure to a rising militancy among young Indians and a deepening grimness among older ones. Last October, Hickel was almost booed off the stage when he addressed the National Congress of American Indians at Albuquerque, and of course there are those war whoops at Alcatraz. But Vice President Agnew also spoke at the Albuquerque meeting and indicated that something new was in the wind. "It is important to remember," he said, "that federal support of Indian services is to a great extent legally due the Indian community. These are not services offered at the pleasure of the government, but solemn obligations. . . ."

Congress should adopt Mr. Nixon's proposals, giving fresh hope to these abused citizens who carry a peculiar burden of history.

[From the New York Post, July 10, 1970]

DAYLIGHT FOR AMERICAN INDIAN?

The Nixon Administration, faultered with good cause for its faint-hearted response to the needs and aspirations of black Americans, has reacted with praiseworthy boldness and conviction to the long-unheeded grievances of the nation's Indians. Cynics may observe that this is safer political ground; it is nevertheless full-scale, ungrudging recognition of inhumanities too long ignored.

In a message to Congress Wednesday, Mr. Nixon deplored "centuries of injustice" toward Indians, proposed meaningful reforms of the justly resented policy of "termination" of national responsibility for the Indians' dilemma, threw his support behind legislation returning 48,000 acres of sacred land in New Mexico to the Tacos Pueblo tribe and pledged to seek more money for programs benefitting the Indian.

Sen. Harris (D-Okla.) the former Democratic National Committee chairman who is the Capital's leading spokesman on Indian affairs, hailed Nixon's message as "forward-looking and progressive." That spirit of bipartisan support should greet the President's proposals in Congress.

[From the San Francisco Examiner, July 10, 1970]

HELP FOR REDMEN

In presenting Congress with a proposed new program of help for the nation's Indians, President Nixon referred to them as "America's most neglected minority group." It was the understatement of the year.

The President's program is admittedly a minimal effort to rectify centuries of injustice. But at least it is a step in the right direction—and probably all that is practically possible in this time of crisis.

What is ironic about the $260 million program of expanded help is that it might never have been offered if the Indians had continued their long tradition of suffering in comparative silence.

Recent war whoop actions from Alcatraz to dusty reservations in New Mexico prove anew that it is the squeaking wheel that gets attention.

[From the Chicago Tribune, July 11, 1970]

HOPE FOR INDIANS?

In a special message to Congress, President Nixon called for "a new era" in which "the Indian future is determined by Indian acts and Indian decisions." If only earlier Presidents like Andrew Jackson and others had thought that way, the Indians could have been spared much suffering and degradation, and the national honor some of its deepest stains.

The Indian problem is as tough as it is in part because Indian culture is far less individualistic than the culture prevalent in the United States. American Indians have strong ties to the ancestral land and a lively sense of being part of tribal life. They do not shift residence as readily as most Americans do, and the form of property ownership natural to them is collective rather than personal.

Until the 20th century, the best treatment the United States government was prepared to give the Indians was to shove them into reservations [so apparently worthless that whites did not much want them] and subject them to an oppressive and ungenerous paternalism. Generations of life under these conditions bred into most Indians a despair as profound as their distrust of the forked tongues of palefaces.

At last, the government and the Indians' few disinterested white friends and the Indians themselves share the conviction that Indians need and should have considerable autonomy without loss of tribal life. Not long ago the federal government adopted a policy of "termination"—which meant liquidating tribal assets in a one-time distribution to individuals on the tribal lists. This was hard on Indians as well as on the timber market, which was staggered when even one whole reservation went on sale at one time. Now President Nixon wisely proposes a middle course between termination and arbitrary control over reservation Indians.

Giving tangible implementation to the new policy of considering Indians' wishes and values, the President recommended restoring a tract of national forest land to the Taos Pueblo tribe for which it has great religious value. We hope that Congress will respect wise Presidential leadership in Indian affairs. It has in the past gone along only too willingly with deplorable executive policies for our Indian minority.

[From the Lynchburg (Va.) Advance, July 9, 1970]

JUSTICE FOR THE INDIANS

President Nixon delivered a special message to Congress yesterday in which he declared that it is time "for a new era in which the Indian future is determined by Indian acts and Indian decisions." He said he was proposing legislation that would empower Indian tribes or tribal groups to take over control and operation of federally financed programs for their benefit—programs now operated by government employes.

The aboriginal inhabitants of this continent have become increasingly strident in demanding social justice for themselves—and rightly so.

In related cases decided by the U.S. Indian Claims Commission on June 29, the Navajo and Hopi tribes won preliminary victories in their separate fights to prove title to vast areas of land in Arizona and New Mexico. Subsequent proceedings are expected to result in awards of substantial monetary compensation to the two tribes.

Now, a similar case is about to be aired, we're reminded by Editorial Research Reports. The Indian Affairs Subcommittee of the Senate Interior and Insular Affairs Committee is conducting hearings today on two bills concerning a claim of the Taos Indians to acreage surrounding Blue Lake in the Sangre de Cristo range of northern New Mexico. A measure already passed by the House would give the Taos tribe title to the full 48,000 acres it wants. A second bill would set aside only 1,640 acres for the Indians. The star witness today will be Juan de Jesus Romero, the 90-year-old spiritual leader of the Taos tribe. Romero says that "If our land (the full 48,000 acres demanded) is not returned to us, if it is turned over to the government for its use, then it is the end of Indian life."

Vice President Agnew said last January 26 that "Indian people are still the most poverty-stricken Americans—and it is outrageous that this should be so." He added that the Nixon administration will "attack that raw truth." To this end, Agnew instructed the heads of six cabinet-level departments and the Office of Economic Opportunity to come up with responses to Indian demands for help.

The responses tend to be inundated in bureaucratese. For example, former HEW Secretary Finch wrote: "An area of concern to me . . . is the arraying of federal, state, local and private sector resources and programs . . . this should happen because of the variety of missions, responsibilities, and authorities represented by the several departments, rather than in spite of these variations."

Little wonder that Indians complain that Washington speaks with forked tongue.

LOW-INTEREST LOANS FOR HOUSING FOR THE ELDERLY

Mr. PROUTY. Mr. President, last week the distinguished Senator from New Jersey (Mr. WILLIAMS) and I cosponsored a successful amendment to the independent agencies appropriation bill, providing $25 million to continue the section 201 program for low-interest loans for housing for the elderly. In Saturday's Washington Post an editorial appeared in support of the 201 program and which urged the conference members on the bill to support the Senate amendment. I ask unanimous consent that the Post editorial and a letter from Senator WILLIAMS to the editors of the Post with reference to the editorial be printed in the RECORD.

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

[From the Washington Post, July 25, 1970]

HOUSING FOR THE ELDERLY

In 1959, an amendment was added to the National Housing Act that became known as section 202. An example of creative federalism at its best, 202 allowed 50-year loans to be granted by the government at 3 per cent interest to nonprofit organizations that would build and manage housing for the elderly. These organizations were sponsored by church groups, labor unions, fraternal or service groups and others. At a time when the number of old people has been increasing beyond all expectations and when low-cost housing is a critical problem, the programs under section 202 have been literally lifesavers for millions of the elderly. It provided them dignified, comfortable and reasonably-priced housing. Congress hailed the program.

Now, however, section 202 is under serious fire from the administration. Officials in the Department of Housing and Urban Development are now phasing this direct loan arrangement out in favor of an interest subsidy program known as section 236. The latter is preferred under orthodox Republican dogma which says that direct loans by the government are bad because the government should not be in competition with private lenders. Thus, HUD officials are now making the changeover from 202 to 236 mandatory; previously the switch was possible, but on a voluntary basis, with the choice left up to sponsors of the housing project.

Although the technicalities and economics involved in this issue are complex for the laymen, those close to the situation contend that the private lenders' gain can only come at the expense of the elderly. Richard Fullerton of the American Institute of Housing Consultants told the Senate Committee on Aging, among other dark things about 236, that the rents in these projects will be raised about $30 a month. He added: "202 provides benefits for the tenant and the needy," whereas "236 provides huge benefits for the opportunists, the greedy."

None of this has been lost on such champions of the elderly as Sens. Harrison Williams, Pastore, Moss and others. The prospects of seeing section 202 phased out have them and the elderly both alarmed and angered. And with good reason. Section 202 has been a successful program with not one default in payments and now the government wants to abandon it. The rescue of 202 is now up to the Senate and House appropriations committee conferees who are scheduled to meet this Monday to decide whether 202 programs should be continued or dropped. But the real question, taken out of the hidden chambers of Congress and into the daily lives of human beings, is this: are the elderly, for whom so little has been done, now going to get even less?

JULY 27, 1970.

EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR: Your editorial of July 25, "Housing for the Elderly," is a timely and much-needed statement on a subject of considerable concern to the Senate Special Committee on Aging and to sponsors and potential sponsors of nonprofit housing for the elderly. The need for saving the 202 Housing program is readily apparent to all who see the good that this program has done. But the needs are great: we need broadening, not constriction, of effort.

I would like to report to your readers that the effort to save the Section 202 program has bipartisan support. Senator Winston Prouty, ranking minority member of the Senate Committee on Aging, is a cosponsor of my amendment to provide $25 million for the program.

In addition, the amendment has won widespread endorsement from organizations keenly interested in the well-being of older Americans. Here is a partial listing: National Jewish Welfare Board, American Association of Homes for the Aging, National Council of Senior Citizens, American Association of Retired Persons, National Council on the Aging, National Conference of Catholic Charities, United Automobile Workers, Teamsters Union, United States Catholic Conference, National Farmers Union.

The Washington Post is once again to be commended for focusing public attention on a matter which all-too-easily could have been overlooked.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman.

YOUTH IN REBELLION

Mr. HOLLINGS. Mr. President, amidst the chaos and tensions of our society, one is privileged, from time to time, to witness a unifying force in a nation where communication between parent and child and between black and white has become frightfully obscure. Such a force is human intellect and was displayed in a June 17 broadcast over radio station

WKYB in Hemingway, S.C., by the Reverend John R. Owens.

Many Americans lack a sense of history relative to the role of the rebel in society. Reverend Owens' sermon endows the uninformed with an overdue understanding of our rebelling youth. Also, American youth may discern an important spiritual element necessary for any viable innovative process.

Such insight into the plight of our American youth deserves the attention of my colleagues, and I ask unanimous consent that this sermon be printed in the RECORD.

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

YOUTH IN REBELLION

Scripture lesson: II Samuel 15:1–12.

Never before have youth been given the attention they have received in recent years. They have been very vocal during the turbulent 60's and the beginning of the 70's. Young people have constantly made the headlines and had their activities shown on television. Marches, protests, and demonstrations have been their "thing." This is not, however, characteristic of the majority of youth, but practically all youth go through a stage of protest or rebellion. Perhaps many do not exhibit their feelings, but they do rebel against things they consider unjust and contrary to their beliefs.

This is nothing new. Youth rebellion did not originate in twentieth century America. Chapters 13–19 of 2 Samuel tell of a rebellious youth who lived some 3,000 years ago during the eleventh century B.C. This young man was Absalom, the son of David who was the greatest King Israel was to ever know. Absalom was a typical "Berkeley" boy. He would not be out of place on the campus of the University of California. In fact, were he living today, he would probably be a ringleader in the unrest. He had the ability and the characteristics for it. According to the Bible, Absalom was a handsome youngster, the athletic type, and also very intelligent. Long hair on men is not a phenomenon which was begun by the Beetles. Absalom was very proud of his long hair which he trimmed only once a year. This young man would fit right in our scene today. Let us look at his life, considering his rebellion and the motives behind it. First, his rebellion:

He rebelled against parental authority. He was David's third son by Maacah who was the daughter of the King of Geshur, a neighboring nation to the east. Nothing is recorded of the earlier years of Absalom, however, we can safely conclude that being the son of a monarch, he had many things at his disposal, too much, in fact. He found in later years all he had meant very little. He became dissatisfied with his home life.

An Oriental man usually ruled his household with an iron hand. Absalom broke this tradition because he disagreed with certain decisions made by his father. On one occasion Absalom's half-brother, Amnon, assaulted and raped his half-sister Tamar (Absalom's sister) and put her to shame. Apparently Amnon was forgiven by David for no punishment is recorded. This upset Absalom to no end. He decided to take matters into his own hands. After waiting patiently for two years, the opportunity arose. Absalom had Amnon killed while he was shearing sheep away from home. His father's decision concerning Amnon was not pleasing, therefore, Absalom took his half-brother's life at the risk of losing his own. This incident was the spark that sent forth flames from the smoldering ashes of hatred and impulsiveness.

Youth's first rebellion is usually against parents. He has been under authority long enough. A young friend of mine who detests the hippie way of life and usually kept his hair cut very short, recently grew a beard and allowed his hair to grow to shoulder length. His mother disliked it and made her feelings known. She would not allow him to go anywhere with her. Perhaps this was his way of saying, "I'm grown now and capable of making my own decisions." At one time or another most youth will break away from the authority of parents with the hope of living their own lives. Often rebellion is directed against the ones who are closest.

Absalom rebelled against governmental authority. After having Amnon killed, Absalom fled to Geshur and lived with his grandparents for three years. Upon learning of his father's forgiveness, he returned home. Still, he was not happy. He became a reformer. The government needed overhauling. Absalom decided he had a better program and could run things better himself. He said, "O, that I were a judge of the land, that everyone who had a suit or cause might come to me and I would do him justice." He was saying there was much wrong with his father's government. Setting out to take over, he came very close. His beauty, his aristocratic bearing, and his diplomacy soon rallied around him a strong group. The Scripture says, "He stole the hearts of the men of Israel." He found an army and marched against the government. Absalom was a natural born leader who was dissatisfied with the "system."

He was like many of today's youth who are against our system. Granted, there is much wrong. But if the establishment is destroyed, if one rebels against the authority of the home and the power of the government and attempts to overpower it, he had better consider all that is involved and be sure to have something better and more meaningful to put in its place. It is one thing to dream of a perfect parent and a government without faults, but it is another thing to actually be a perfect parent or to establish a government which will please all the people. Idealism and practicality are worlds apart.

Absalom rebelled against Godly authority. He took the life of his brother who deserved to be punished but not death. Absalom was not to be his judge. He broke one of God's commandments by committing murder. He and his men marched to usurp the throne. David had been ordained as King by God. His son would have taken the Kingship by force and disposed of God's man. He was willing to kill his father to gain his desire. Absalom refused to recognize the claim of God upon his life. There is not recorded in his story any relationship to God, no seeking God's advice, no prayers. Absalom made many mistakes but his greatest was his rebellion against God. Youth cannot survive apart from God. His rebellion, although it may be worthy and needed will end in failure if it is not Godly-oriented. Like many of today's youth who refuse to recognize the authority of the police, the courts, the government, or even older persons, he refused to recognize any authority but his own ideology.

What were the reasons for his rebellion? Is this kind of reaction normal among young people? When viewing the youthful protest, many older adults come to the conclusion: "They should be jailed for life." Dr. William Young, Professor of Pastoral Care at Southeastern Baptist Theological Seminary, said, "Do not be overly critical of a person's actions until you learn something of their background. Perhaps there are some underlying causes." Absalom committed several terrible crimes but we should not be too harsh in our judgement of him. There are several reasons for his rebellion:

One of them is hypocrisy. David set a bad example for his son. He had several wives. While polygamy was the practice of the day, it has never worked. It always causes trouble, especially among the children. (Remember Jacob and Esau.) Uriah was killed because David committed adultery with his wife. Absalom saw it all. David was ordained by God, but he made many costly mistakes. Among other things, they cost him his son. Parents cannot teach one thing and live another. David later repented, but the damage had been done. Youth will not accept a double standard.

Absalom rebelled because of unconcerned parents. David had pressing court problems. The administration of the government required most of his time. He was the Secretary of Defense. There were eight foreign wars during his reign. David was a busy man. There was little time for the family, no time to really be a Father. Isn't this true today? Boys and girls need parents; they need close supervision; they need tender, loving care.

David's attitude allowed permissiveness. His children were allowed to do much as they pleased. When Amnon raped Tamar, he was in line for the throne. He probably figured he could have anything he wanted and do anything he wanted. He did, and he was not punished. Nothing at all was done. It is doubtful if David even had time to scold him, although he was angered. Amnon was drunk when he was killed. Absalom was not punished for killing Amnon. He was welcomed back home and allowed to roam the country rounding up cohorts for his conspiracy. Noted psychologists, who insist that children have their own way, have much to learn.

Coming from a wealthy home, Absalom had little or no responsibility. He had everything handed to him while David was a shepherd boy. He had to work. The prevailing attitude of parents is, "I want my children to have it easier than I had it." This is very unhealthy. California students have most of their expenses paid by the State, and that is where the majority of campus disorder is or originates. Rebellious youth mostly come from the middle class and the wealthy. Youth need responsibility. They do not need everything handed to them. It is not appreciated nor is it used wisely.

Absalom rebelled because of the world around him. The nation was constantly at war. There were revolts from within. He came up during a turbulent era, which has a great bearing on any young person. As the youth of today look at our world, although, in a sense, it is the greatest day ever, they have very little to be optimistic about. There is one war after another. Wars that we should not be in. Wars that we are not in to win, and who wants to fight to a draw or for no cause at all. Some politicians claim the Viet Nam war is to stop communism, when the communist operate openly in our own nation. Each generation of young men must face the draft and perhaps death halfway around the world. We adults leave to our youth a national debt of billions of dollars. We have allowed drugs to become popular. We have allowed pornographic literature to flood the newstands and X-rated films to be shown in the local theatres. We adults have made a mess of the racial situation—a situation which should have been corrected years ago. We leave to our youth a terrible inheritance of social unjustices, racial disturbances, hatred and prejudices. It is enough to make youth rebel, and whether we like it or not, some of today's rebellion is justified.

I would hope that our youth would rebel from many of our ways, from the patterns that we have established, but rebel aright. Jesus was a rebel; the apostle Paul was a rebel; Martin Luther was a rebel; they shook the establishment. Their rebellion was not their own, but they used the authority of God. Young people must rebel and change our Society. The adults have certainly failed. But the rebellion, if it is to be just and succeed, must be Godly-oriented.

Absalom, determined to win, went into battle against his father's force, but he lost. He fled on a mule when he saw he was defeated. The mule ran under an oak tree and his head was wedged between two limbs. There he hung and there he died. He died in vain. He was a rebel without a cause, for his cause was his own, not God's. A successful rebel must first have an encounter with Jesus Christ, then he can justly shake the establishment to its very core under the leadership of the Spirit of God.

THE ATOM: ITS DANGEROUS AFTERMATH—PART V

Mr. CHURCH. Mr. President, the Washington Evening Star has just completed running a four-part series entitled "Under the Mushroom Cloud" by Associated Press correspondent Donald M. Rothberg. The series is devoted to the growing concern about the impact and potential consequences of nuclear energy upon our environment.

As one who has for several months raised questions concerning the Atomic Energy Commission's present practices in the field of nuclear waste disposal, I recommend Don Rothberg's series to my colleagues. He has done a fair and comprehensive job of outlining the environmental problems facing the burgeoning nuclear industry.

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

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

UNDER THE MUSHROOM CLOUD—1: CONTROVERSIES ARE SMUDGING AEC'S IMAGE

(By Donald M. Rothberg)

The Atomic Energy Commission, in the dual role of promoter and regulator of atomic energy, is encountering criticism over pollution, radiation, health and safety.

The bureaucratic devices used by the agency to counter the dissent are heightening some controversies and threatening the AEC's reputation for scientific objectivity.

"The AEC has the worst public relations since the storm troopers," commented one scientist.

Many AEC officials are working to change that image. But many others provide ample evidence of how that negative image developed.

For example:

In Denver, a state public health service officer says when he asked the AEC about reports plutonium had been found in the soil outside a nearby weapons manufacturing facility, "They just said they'd rather not discuss it at that time."

Drs. John Gofman and Arthur Tamplin of the Lawrence Radiation Laboratory in Livermore, Calif., have attacked federal radiation exposure limits as far too high. Their theory has set off an emotional, name-calling debate between the AEC and the two scientists.

Federal Water Pollution Control Administration officials in Portland, Ore., hope a presidential executive order will enable them to win a long struggle with the AEC over use of Columbia River water to cool reactors at Hanford, Wash. For years water has carried back with it enough heat to endanger Columbia salmon and a small amount of radioactivity that turns up in shellfish at the mouth of the river more than 200 miles away.

In Congress, a senator finally pried loose from AEC files a three-year-old report from the National Academy of Sciences that sharply criticized AEC handling of radioactive waste.

Another report that lay hidden for a year warned that underground nuclear explosions can trigger earthquakes.

For years the AEC has had the task of selling the public the idea that there were peaceful uses for atomic energy.

Born in the shadow of the mushroom clouds that rose over Hiroshima and Nagasaki, the AEC faced a public frightened by the power science unleashed.

After adjusting to the obvious potential devastation from nuclear weapons, the public gradually became aware of another hazard—radiation, the potentially deadly rays emitted by radioactive material.

As interest grew in pollution and the environment, attention focused on the growing nuclear industry and the minute quantities of radiation going into the air and streams. Was this the first stage of a new and particularly deadly form of pollution?

Questions like these arose about activities the AEC sponsors:

Are nuclear power plants a safe answer to the nation's rapidly growing demand for electricity? Is there a chance a power plant accident could spew deadly radiation over a heavily populated area? Will small amounts of radiation that leak from such plants add to the cancer death toll?

Can millions of gallons of highly radioactive liquid waste—the garbage of the nuclear industry—be stored safely in AEC depots for a thousand years, the time needed for its radioactivity to die off? Is the AEC moving fast enough to convert it from liquid to a safer solid form?

Do underground nuclear blasts trigger earthquakes? Why did the AEC choose Amchitka, an earthquake-prone Aleutian island, for the biggest underground explosions yet?

On Sunday, May 11, 1969, the most expensive industrial fire in American history swept through the main production building at the AEC's Rocky Flats plant 25 miles northwest of Denver.

That $50 million fire touched off a series of events that tell a lot about AEC attitudes good and bad.

The Rocky Flats plant sits on a desolate stretch of flat, dry ground midway between Denver and the Rocky Mountains. Operated by Dow Chemical Co. under contract with the AEC, the 17-year-old plant's chief product is plutonium parts for nuclear weapons.

Rocky Flats produces only pieces of warheads for inclusion elsewhere in a completed weapon, so there is no danger of a nuclear explosion there.

But there is considerable debate about the danger, particularly to workers, of plutonium.

Plutonium radioactivity is not penetrating, unlike that of many other elements. One could conceivably eat plutonium without being harmed. It would simply pass through the body's digestive system.

But it is deadly if enough of it gets into the bloodstream or the lungs, as through a cut or inhalation.

The possibility that plutonium, which still has half its radioactivity after 24,400 years, was blowing around outside the Rocky Flats plant worried Dr. E. A. Martell, a member of the private Colorado Committee for Environmental Information.

Martell, a West Point graduate, had been associated with nuclear weapons testing from its earliest days until 1962.

Now senior scientist on the staff of the National Science Foundation's Center for Atmospheric Research in Boulder, Colo., Martell recalled that in 1962 he told a congressional committee that nuclear weapons tests in Nevada were an important contributing factor to radioactive iodine fallout which was showing up in milk and in the thyroid glands of children.

"When the May 11 fire was first announced, it was just a little affair," Martell said. "Later it came out it was $45 million to $50 million and involved a huge sum of plutonium."

Members of the Colorado environmental committee asked Dow officials if plutonium might have gotten into the air and carried, like fallout, beyond the plant boundaries.

"They put us off," recalls Martell.

So the committee went to Gov. John Love who wrote to AEC Chairman Glenn Seaborg. Maj. Gen. E. B. Giller, chief of the weapons division of the AEC, who has a reputation as being one of the most open and cooperative of AEC officials, told Dow officials to give the Colorado group all the information it requested within security limitations.

Dow argued that its filtering system had worked—that no plutonium had gone beyond the plant boundaries. Martell disagreed and suggested that Dow take soil samples outside the plant.

Dow did nothing. So Martell and an associate walked around the plant one day collecting little packets of top soil. They found the soil east of the plant contained unexpectedly high concentrations of plutonium.

Martell wrote a long memorandum to Seaborg describing his findings as well as other misgivings about the operation of the Rocky Flats plant.

Robert D. Siek, chief of the radiation, hygiene section of the Colorado Department of Health, heard about the Martell memo and called Michael J. Sunderland, assistant manager of the AEC's Rocky Flats office.

According to Siek, he asked to discuss the problem and the AEC "just said they'd rather not discuss it at this time."

Sunderland says he thought Siek was asking for a copy of the Martell report, and referred him to the Colorado committee.

Martell said that at a meeting Feb. 10 among people from the AEC, Dow and the Colorado committee, he learned for the first time there had been another major fire at Rocky Flats in 1957. He also was told machine oil contaminated by plutonium had been stored in barrels outdoors on the plant grounds until some of the barrels corroded and leaked.

Sources in Washington recalled that during the meeting's luncheon break, Dr. Martin B. Biles, director of the AEC division of operational safety, approached the two youngest members of the Colorado committee, both employes of the federally financed center for atmospheric research, and said he planned to complain formally because he felt it was immoral for people in one government agency to spy on another.

Examination of the contaminated soil continued and finally everyone agreed that the plutonium came from the oil spill rather than the 1969 fire. When the oil drums leaked, the plutonium stayed on top of the ground and the strong winds that blow across the flats from the Rockies carried an undetermined amount beyond the plant boundary.

To prevent further wind-blown contamination, Dow covered the oil spill area with asphalt.

A Dow spokesman said he thought that eventually the soil—which will be contaminated for 48,000 years—would be scooped up and shipped to an AEC nuclear waste burial ground.

Martell still isn't convinced that anyone knows with certainty that all plutonium stayed on the plant site during the two major fires. He also is disturbed that Dow doesn't know how much plutonium was involved in the oil spill and thus can't know how much blew off the plant grounds.

Dow counters that all its tests indicate no plutonium got out and offers a state public health service study to back its claim.

The state report said, "It is our conclusion that no public health hazard now exists from past releases from the Rocky Flats plant. It would be impossible, however, to estimate any hazard which existed in the past."

Workers handle the volatile plutonium in heavily shielded containers with lead-lined gloves at one end.

An investigation of the 1969 fire criticized the glove box system for lack of fire breaks, use of flammable material in the shielding, and placement of heat detectors outside the glove boxes where they were comfortably insulated from the heat generated by the fire inside the boxes.

Dow officials say a new production building incorporates all recommended safety features.

It could need them since company officials concede there are an average of five plutonium fires a year that breach the glove box system. Colorado committee members worry that one of those fires will breach the walls or roof of the plant.

The post-fire action of Giller's office in forcing plant officials to work with outside groups and agencies resulted, according to Siek, in his office getting full AEC cooperation. Health officials are now being cleared for access to sensitive plant areas.

President Nixon's reorganization of environmental control function chips away at one area where critics say AEC's atomic promotion and regulation duties conflict.

Under the plan to go into effect later this year, AEC's authority to set standards for the protection of the general environment from radioactive material would be transferred to the new Environmental Protection Agency.

The AEC would retain responsibility for implementing and enforcing the standards, however.

Another reorganization plan presented to Nixon by a presidential task force under direction of Roy Ash, former president of Litton Industries, reportedly would have shifted AEC weapons responsibilities to the Pentagon.

But AEC Chairman Dr. Glenn Seaborg says: "I believe those recommendations have been bypassed," as have other previous major proposed reorganizations of the agency.

One factor working in the AEC's favor is the close relationship between the agency and the congressional Joint Committee on Atomic Energy. One commissioner, James T. Ramey, is the former staff director of the Joint Committee.

In one friendly exchange during a Joint Committee session, Ramey said he had attended many hearings on proposals to build nuclear power plants and "there are some professional 'stirrer-uppers' involved in each one of the meetings."

"That is a good name, 'stirrer-uppers,'" agreed Holifield.

Ramey described them in more detail as: "Gentlemen from some 'paper' conservation organizations that you can hardly find an address for, to persons associated with the coal industry who always seem to be around these days.

"Second, there is a group of younger scientists, some of whom might be a little bit on the extremist side who seem to always be talking on matters beyond their professional competence. . . ."

Then Holifield added, "A certain number of book writers, too, of sensational books."

Yes, agreed Ramey. "They are usually journalists and public relations men."

"That is right," said the chairman, "with no scientific background or competence."

"None whatsoever," replied Ramey, whose degree is in law.

UNDER THE MUSHROOM CLOUD—2: ARE U.S. RADIATION STANDARDS TOO LOW?

(By Donald M. Rothberg)

Two California scientists who say federal standards allow people too much exposure to radiation are locked in a bitter, name-calling battle with the Atomic Energy Commission while the nuclear power industry watches uneasily.

Radiation exposure limits are 10 times too high, say Drs. John Gofman and Arthur Tamplin of the AEC-financed Lawrence Radiation Laboratory in Livermore, Calif. They have more support in the scientific community than the AEC likes to admit.

Gofman and Tamplin say if every American got the maximum permissible dose of radiation, cancer deaths would increase by 32,000 a year.

Unfounded and incorrect, says the AEC. The maximum dose is so small it's impossible to single out any harmful effects it might have, contend AEC scientists.

"These people ask you to produce human corpses," Gofman says of the AEC. "No corpses, no action."

"This is the third time Gofman's taken off on a wild tangent," responds Dr. John Totter, head of the AEC's division of biology and medicine.

Totter dismisses Tamplin, who came up with the 32,000 figure, as "a biophysicist with no experimental backround in biology . . . It's very common for physical scientists to make mistakes in biology."

But Gofman and Tamplin have support from scientists including Joshua Lederberg, winner of a Nobel Prize in Medicine; Linus Pauling, only man ever to win two Nobel Prizes; Dr. E. B. Lewis, expert on the effects of low doses of radiation, and Dr. Karl Z. Morgan, director of the health physics division of Oak Ridge National Laboratory and a member of the National Council on Radiation Protection.

Watching this debate is the power industry with its 17 nuclear plants now generating electricity, 47 under construction and 48 more proposed.

What role should the AEC, as both regulator and promoter of atomic energy, play in such controversies?

Dr. Glenn T. Seaborg, AEC chairman, said in an interview he believes the AEC "should be presenting all sides of the arguments. However, when there are attacks on the AEC and on individuals. I think it is natural for the individuals involved to try to defend themselves and to answer the attacks and the arguments that have been put forth."

The Gofman and Tamplin controversy started in 1969, when Tamplin was asked by the AEC to examine claims by Dr. E. J. Sternglass, director of radiology at the University of Pittsburgh, that fallout had caused 400,000 prenatal or infant deaths.

Tamplin said he determined that Sternglass was way off in his estimate. Tamplin came up with the figure of 32,000 deaths and then wrote a rebuttal to Sternglass' findings in which he included his own calculations.

Totter telephoned Gofman and Tamplin on Aug. 13 and said he thought Tamplin's rebuttal of Sternglass' findings was just fine. But he saw no reason for including Tamplin's own calculations in the same article. Gofman and Tamplin disagreed.

From then on the debate became more heated.

Asked about Tamplin, Totter says, "We never at any time trusted Tamplin's figures since he has been there (Livermore)."

Totter says he actually protected both Tamplin and Gofman from other AEC officials who wanted to drop them long ago.

Yet Tamplin, for example, shows letters from such groups as the National Council on Radiation Protection and Measurements, the U.S. Public Health Service and the National Academy of Sciences asking him to participate in studies of the effects of radiation exposure.

Proponents of the AEC position that the radiation standards were more than adequate fanned out to give their views.

Theos J. Thompson, an AEC commissioner, told a meeting in Las Vegas that environmentalists were carrying concern with small traces of radioactivity to a ridiculous extreme.

"It is as though we decided not to get out of bed any more because we might slip on the way to the bathroom," said Thompson. "It is a sign of age—of giving up, of growing old, of decaying."

Dr. William Bibb, a biologist at AEC headquarters in Germantown, Md., and frequent pro-AEC speaker, said, "The public is scared of radiation and anyone who reinforces their fears is going to get a solid audience."

Gofman and Tamplin were getting a solid and widespread audience.

But the reins began to tighten. Early in May, Tamplin was notified he was being charged vacation time for days spent in March and April at a conference at the Center for the Study of Democratic Institutions, a session of the American Cancer Society and an environmental teach-in for members of Congress and science writers.

His appeal was denied on the grounds that "in all cases the trip and your involvement in the meeting was beyond the scope of your laboratory assignment."

Soon after the start of the new fiscal year July 1, Gofman complained he had lost two people from his 12-member staff. Tamplin's staff of 12 was cut to one research assistant.

The ABC responded that the staff reductions were part of budget cuts forcing elimination of 4,000 lab jobs.

The AEC added that the Livermore facility, operated by the University of California under contract from the AEC, "has maintained a policy of encouraging free scientific discussion. . . . Neither the AEC nor the laboratory has abridged the freedom of Drs. Gofman and Tamplin to speak out on the issues."

The AEC is locked in the radiation standards battle even though all today's nuclear plants operate well within the stricter standard proposed by Gofman and Tamplin.

Why doesn't the AEC adopt the more rigid standard which apparently would change nothing?

"We think it would be just as wrong for us to arbitrarily lower the standards that have been set by experts not only in this country but all over the world as it would be to go above the standards," says Seaborg.

According to Seaborg, the standards are under study and if the experts conclude they should be revised, "we would be happy, of course, to comply."

Some companies with nuclear plants under construction reportedly plan to announce they will voluntarily adhere to a much lower release of radiation than the standards require.

The debate over the effects of low doses of radiation centers around this question: If a given dose of radiation can be shown to cause 100 cases of cancer within a population sample, will a dose one-tenth as large result in ten cases, and will a dose one hundredth as large result in one case?

Gofman and Tamplin contend this sort of direct, straight line or linear, relationship exists.

Many researchers, such as Dr. John Storer of the Oak Ridge National Laboratory, disagree. Storer believes that evidence shows that with exposure to very small amounts of radiation, the harmful effect drops off sharply.

But Lewis, a biologist at California Institute of Technology, says he thinks the Gofman-Tamplin case "is stronger than they realize."

Lewis believes, however, their estimate of 32,000 deaths is about double what the figure would turn out to be.

Pauling, a veteran of battles with the AEC over nuclear weapons tests and radioactive fallout, says of the Gofman and Tamplin estimate: "I don't think they've exaggerated

at all. My own estimate is two or three fold higher."

All the figures are estimates because no one knows.

Lederberg cited this uncertainty as reason enough for adopting a stricter standard, coupling it with intensive research.

"You don't want to deal with the health of the public on any but the most conservative terms," he said.

Another prestigious supporter of Gofman and Tamplin is Morgan, of Oak Ridge, a scientist more closely identified with the AEC.

"The more I think about your hypothesis," Morgan wrote to Gofman "the more convinced I am of its validity."

The AEC proposed recently that radiation from power plants be voluntarily kept "as far below this guide as practicable."

Prof. Thomas Pigford, a nuclear engineer at the University of California and a member of the AEC's Atomic Safety and Licensing Board, said it shouldn't be left to power companies to volunteer to keep releases far below the standard accepted by the AEC. If that standard represents too great a public health risk, then the AEC should say so and adopt a stricter standard, he said.

"I disagree with people who say if we lower standards we will force nuclear power into an uneconomical position," said Pigford. "We should evaluate safety first and then economics."

According to AEC projections of power use, nuclear plants now generate 1 percent but by the year 2000 will generate 69 percent.

Seaborg and other AEC officials predict breeder reactors will be operational in the 1980s and because they produce their own plutonium fuel might, in Seaborg's words, "lead to the production of electricity at costs that would be spectacularly low by today's standards."

The first attempt to operate a breeder reactor in a commercial power plant occurred in the Enrico Fermi plant near Detroit. Early in October 1966, the plant was started. Immediately things went wrong.

The cooling system failed and the radioactive fuel elements melted—what is considered the worst accident likely to occur in a nuclear plant. After several tense days, the situation was brought under control.

Advocates of nuclear power plants say that despite the accident none of the deadly, highly radioactive fission got out of the Fermi plant. No one was injured.

Opponents claim the plant came within a hairsbreadth of blowing up and scattering radioactivity over the city of Detroit.

The AEC does not treat power plants lightly. Surveillance is intense during construction and afterward. All safety systems are multiple so if one doesn't work there is a backup.

The AEC so far has refused to permit construction of a plant in a city.

But Dr. Edward Teller, father of the hydrogen bomb, said he believes "a big nuclear plant 700 feet underground on Manhattan Island is safer than one 70 miles away on the surface."

The AEC contends the chances of any accident that would release radioactivity are so slight as to be virtually non-existent.

So far the power industry's safety record is perfect. But there aren't many plants and few have been operating more than a year or two.

In 1957, an AEC-commissioned study estimated that if a power plant released a large amount of radiation, loss of life would be in the thousands and dollar loss would be in the billions.

One expert now with particularly strong misgivings is David E. Lilienthal, first chairman of the AEC. Says Lilienthal:

"Once a bright hope shared by all mankind, including myself, the rash proliferation of atomic power plants has become one of the ugliest clouds hanging over America."

UNDER THE MUSHROOM CLOUD—3: EONS OF RADIATION AHEAD

(By Donald M. Rothberg)

A growing pile of nuclear garbage will be giving off deadly radiation 1,000 years from now.

Radioactive leftovers are an inescapable byproduct of atomic reactors that produce the radioactive elements for nuclear weapons and generate a growing share of the nation's electricity.

They include 80 million gallons of boiling hot liquid stored in 200 giant tanks, and more mundane items such as rags, clothing and machine oil that make a Geiger counter tick.

Much of the criticism of AEC handling of nuclear waste centers on these points:

Two major facilities, the Hanford Atomic Works near Richmond, Wash., and the National Reactor Test Site at Idaho Falls, Idaho, are in areas of moderate earthquake activity.

While the AEC says it now has methods for converting liquid waste to a more easily and safely handled solid form, progress has been slow.

NRTS is located directly above the Snake River Aquifer, one of the world's largest underground fresh water sources. Some low level liquid waste containing only minute quantities of radioactivity is pumped into the aquifer.

There have been 11 leaks from tanks at Hanford—one involved 50,000 gallons—in 26 years. AEC officials say the liquid moved only 15 feet and couldn't possibly reach the water table. Some scientists aren't so certain.

The rapid growth of the nuclear power industry is causing a proliferation of privately operated nuclear fuel reprocessing plants, waste storage facilities and shipment of highly radioactive material on the nation's railroads, which average more than 15 derailments a day.

AEC scientists worry as much as anybody about nuclear waste disposal. They were going about their work with little public notice or outside interference until May 1966, when a National Academy of Sciences committee handed in a report that gave the AEC more than it asked for.

The Committee on Geological Aspects of Radioactive Waste Disposal one of many outside groups that advise the AEC, concluded that "no existing AEC installation which generated either high level or intermediate level wastes appears to have a satisfactory geological location for the safe local disposal of such waste products; neither does any of the present waste disposal practices satisfy the committee's criterion for safe disposal of such wastes."

The AEC commented that the committee had gone beyond its original scope, received "relatively little information concerning AEC operations" and made recommendations that would involve spending billions of dollars.

The committee report sat in files for more than three years until Sen. Frank Church, D-Idaho, heard about it and demanded a copy.

He got one, along with the AEC comments and the agency's note that a new National Academy of Sciences committee had been formed to look into waste disposal. No member of the old committee was named to the new one.

Despite having "relatively little information" the old committee had presented the AEC with a remarkably detailed and lengthy report.

Among its observations were these:

"Although impressed by the competence and dedication of the NRTS staff in its efforts to solve many vexing disposal problems, at the conclusion of its visit the committee departed with two unrelieved major anxieties. (1) That considerations of long-range safety are in some instances subordinated to regard for economy of operation, and (2) that some disposal practices are conditioned on overconfidence in the capacity of the legal environment to contain vast quantities of radionuclides for indefinite periods without danger to the biosphere."

In discussing leaks from its Hanford tanks, the AEC notes that the liquid moved only 15 feet through the dry, hard soil, while the water table is 180 feet below the surface.

But the NAS committee described itself as dubious that radioactivity couldn't eventually be carried down to the water table "in the event of a rare calamitous flood."

About the same time it got the NAS report, the AEC was pushing for studies of the possibilities of earthquakes in the Hanford area. When Hanford was built during World War II, the primary considerations in choosing the site were its isolation and its dry climate. No particular consideration was given to the possibility of a strong earthquake.

Years later, when the first nuclear power plants were built, the AEC became earthquake conscious. Power companies were required to design plants to withstand a strong shaking and to conduct detailed surveys of sites to make sure they wouldn't build a plant right on a fault.

But the AEC's own installations didn't undergo the same review as power plants. It was suggested they ought to. In the mid-1960s a number of surveys were made of the Hanford area. All concluded that the chances of a strong earthquake were extremely slight.

Dr. G. W. Housner of California Institute of Technology did one of those early surveys and said in an interview that he concluded "it was not a region where we would expect strong shaking."

Two years ago Housner was asked to take another look at Hanford to determine whether the Hanford reactors were designed to withstand the maximum shock that might occur in the area. The U.S. Coast and Geodetic Survey rates Hanford as susceptible to moderate earthquake damage.

Housner recommended some changes but the AEC decided they weren't necessary.

The AEC says it is extremely unlikely that an earthquake could rupture one of the huge tanks at Hanford and send its radioactive contents spilling into the Columbia River seven miles away.

The Federal Water Pollution Control Administration is fighting a continuing battle with the AEC over operations at Hanford and NRTS. Officials of this Interior Department agency hope the Federal Water Pollution Control Act and Presidential Executive Order 11288 will give them the muscle to win a confrontation with the AEC.

"We're starting to go to the mat with the AEC," said one official at the water pollution agency's Portland, Ore., regional office.

The act calls for improving water quality and the executive order directs federal agencies to lead such efforts.

But in its report on NRTS, the pollution control agency said:

"The Idaho Operations Office of the Atomic Energy Commission operates on the policy that water quality can be degraded to the upper limits of the public health standards for drinking water at the point of first use below their operations."

"Chemical and radioactive wastes have degraded the ground water beneath the NRTS," the report said. It recommended that the AEC stop pumping low level radioactive waste into the aquifer and that it end the practice of burying solid waste above it.

The AEC then notified the state of Idaho that it plans to stop burying solid waste over the aquifer, though not for ten years or more. AEC plans would send solid waste to a repository it wants to establish in 1,000-foot-deep salt mines in Lyons, Kan.

Federal water pollution officials say they have yet to get permission to enter the Hanford installation and inspect the tank storage area.

They hope to eliminate Hanford's use of water from the Columbia River to cool reactors.

In 1966, federal water quality officials asked the AEC to halt this practice and install heat dissipation facilities at Hanford. Nothing was done, they said.

Officials said they are more concerned about thermal pollution than with traces of radioactivity also found in the river and in shellfish at its mouth more than 200 miles from Hanford.

Preliminary results of studies now underway have shown that salmon, the most important commercial and sport fish in the river, are extremely sensitive to increases in the water temperature.

In answer to criticism that its vast store of liquid waste is particularly dangerous, the AEC says it expects to have converted all the liquid now in storage at Hanford to solid form by 1975.

But the growth of the nuclear power industry will greatly accelerate the generation of liquid waste. Walter G. Belter of the AEC's division of reactor development predicted in a recent speech that by the year 2000, there will be 77 million gallons of high level liquid waste in storage, only 3 million gallons less than is now in tanks.

The new fuel reprocessing industry is developing as a satellite of nuclear power plants. After about two years, the radioactive fuel elements in nuclear power plants lose their efficiency and must be replaced.

The so-called spent elements are extremely hot and highly radioactive. They are stored at the plant under water for three to six months to allow the short-lived radioactive elements to decay off and also to dissipate some of the heat. Then they are loaded into huge shipping casks for transport to a fuel reprocessing plant.

The only commercial plant now in operation is at West Valley, N.Y. Another is under construction at Morris, Ill.

The reprocessing plants have far greater potential for releasing radioactivity to the atmosphere than do power plants. Their normal releases of two radioactive elements—Krypton 85 and Tritium—are far greater than from power plants.

In addition, fuel reprocessing plants will become small storage depots for liquid radioactive waste. The liquid is generated when the spent fuel elements are immersed in acid and processed to recover plutonium and uranium. High level liquid waste remains.

The new Morris plant being built by General Electric Co., is designed to process the liquid immediately into solid form, a procedure that could solve the future liquid waste problems.

Most shipping of spent fuel elements to reprocessing facilities and potentially of solid waste to salt mines is via rail. Casks for holding fuel elements weigh 75 to 100 tons and are supposed to be able to hold up after a 30-foot drop onto an unyielding surface and 30 minutes in a 1,475 degree fire.

But the thick AEC regulations governing casks say nothing about the makeup of trains. While federal regulations prohibit putting unlike hazardous materials next to each other—such as radioactive material next to a load of explosives—there is no bar to putting them in the same freight train with a few cars in between.

Most of the 5,000 or more derailments of freight trains each year are minor. But in 1969 alone, 15 communities were evacuated after derailment of trains carrying carloads of hazardous materials.

There have been no cass where radioactive material has been involved in a major derailment.

But the railroads are leery enough of the prospects that some, including the Penn Central, refuse to haul spent fuel elements.

UNDER THE MUSHROOM CLOUD—4: QUAKE PERIL STIRS FEARS

(By Donald M. Rothberg)

Three things might halt plans for underground nuclear weapons tests on the remote Aleutian Island of Amchitka: diplomacy, law suit or gigantic earthquake.

Earthquakes are common on Amchitka. A shake just before the test scheduled for autumn 1971 could delay it. But far more damaging to Atomic Energy Commission plans for continued use of the island as a test site would be a big quake right after the 1971 blast.

Testing could be curtailed if agreement is reached at the Strategic Arms Limitation Talks between the United States and the Soviet Union, or if a group of Alaskans who feel they are personally endangered by the tests won their contemplated law suit.

The earthquake issue was raised by a blue ribbon panel of scientists formed to report to the President's science adviser on the potential hazards of underground nuclear tests.

The panel headed by Dr. Kenneth S. Pitzer, president of Stanford University, studied data compiled primarily by the AEC from previous tests, talked to AEC scientists, then utilizing the expertise of its own members wrote:

"The panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests . . . new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large-yield test explosion and in the following weeks.

"The largest of the observed associated aftershocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site."

The report went to the White House Nov. 27, 1968, about 11 months before the first of a series of large-yield nuclear tests was to go off on Amchitka.

The panel also gave its opinion of the earthquake potential at the three existing test sites:

"The proposed tests at the central Nevada site involve a greater risk of earthquake than those at the regular Nevada test site, since the more northerly portions of Nevada are more active seismically. Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Nevada site."

The report disappeared into the White House. Preparations continued on Amchitka.

Pitzer called Donald F. Hornig, science adviser to President Johnson, and urged that the report be made public. But, as Pitzer recalled an interview, the White House was reluctant to do anything with the report because Johnson had less than two months remaining in office.

When Richard M. Nixon took office as President, Pitzer called his science adviser, Dr. Lee DuBridge, to urge public release of the report.

On March 29, 1969, Pitzer received a letter from DuBridge rejecting public release but saying there was no objection to individual members of the panel speaking out.

Pitzer told the American Chemical Society two weeks later, "I believe the risk that a damaging earthquake might be triggered deserves a much more substantial public hearing before large tests are held at the new sites in central Nevada and the Aleutian Islands, which are seismically active areas."

Sen. Mike Gravel, D-Alaska, asked for a copy of the report. He was turned down, he said, because "they felt that it was secret."

Actually the report contained nothing classified.

Finally on Sept. 29, three days before an underground blast in the range of about 1 million tons of high explosive was to be set off on Amchitka, the Pitzer report was released.

The release was handled, in Pitzer's words, "in a rather peculiar way."

It was included, beginning on page 49, in a 59-page pamphlet that discussed Amchitka test prepartions, safety, site selection, the environment and even a sea otter relocation program.

Despite congressional apprehension, the test went off on schedule. No earthquake followed. No radioactivity escaped. Things went better than the AEC had anticipated.

But Dr. Frank Press, head of the department of earth sciences at Massachusetts Institute of Technology and a world renowned seismologist who was a member of the Pitzer panel, said: "We all would have bet that nothing would happen. The probability of something happening is small. The risk is very great."

Press pointed out that the AEC has said it plans to set off nuclear explosives of progressively larger yields. He said scientists don't know enough about earthquakes to know whether there might be a certain size shock from a nuclear blast which would trigger a major quake.

The greatest danger from an earthquake at Amchitka would come from the tidal wave it could generate. Press estimated it would take a quake with a Richter scale reading of 7.5 or 8 to generate a tidal wave large enough to cause damage in populated areas. The 1969 Alaska earthquake, one of the largest on record, had a Richter reading of 8.5.

An earthquake that large at Amchitka could send a tidal wave across the Pacific that would devastate coastal areas as far away as Japan.

The AEC answers that there are frequent large earthquakes in the Amchitka area and none have ever triggered a large tidal wave.

Even the Pitzer panel stressed that the possibility was slight. The report added that it did exist, however, and the need for testing should be evaluated with this in mind.

Two government seismologists for the U.S. Geological Survey said this month they found in a seven-year study that as many earthquakes occurred before underground atomic explosions as afterwards.

Their report in a scientific journal had been preceded last year by another report of three different scientists who concluded that underground explosions triggered significant earthquake activity.

Robert D. Jones Jr., manager of the Aleutian Islands National Wildlife Refuge, which includes Amchitka, watches with growing frustration the coming of what he calls "the bomb people."

For years Jones has worked to make Amchitka and other islands in the chain more hospitable to the rare Aleutian Canada Goose, as well as to Bald Eagles, and other wildlife.

But the preparations for the 1971 test are eliminating the ground cover and driving off the birds, says Jones. Another factor is the noise and activity.

"I think the bomb people have lost the skill of walking," Jones said in a telephone interview from the refuge headquarters in Cold Bay. "They seem to have to go everywhere by helicopter."

Other Fish and Wildlife Service personnel are keeping a close watch on Amchitka and take a less gloomy view. They report that the eagle population actually has increased due to more plentiful food supply represented by garbage.

"That's not true," responds Jones. "The

eagles nesting there have been nesting for years. If they continue to harass those birds they will decline."

With its wildlife and susceptibility to earthquakes, why did the AEC settle on Amchitka for its test site?

AEC officials say the choice was narrowed to Amchitka and the North Slope in northern Alaska. According to Dr. Harry Reynolds of the Weapons section of Lawrence Radiation Laboratory in Livermore, Calif., the North Slope was eliminated because of the inhospitable climate, although it is seismically stable.

Maj. Gen. E. B. Giller, director of the AEC's weapons division, says another factor was ecological, particularly the presence nearby of caribou calving grounds.

But doesn't the AEC know enough already about detonating nuclear bombs—or devices, as it prefers to call them?

Is these any real need for more tests?

"You don't design a weapon and wonder if it will go bang," says Reynolds. The tests are "experiments, a series of experiments."

Not all the devices that the AEC makes go bang deep underground are weapons. Some are handled by the Plowshare program, the U.S. effort to find peaceful uses for nuclear explosives.

John S. Kelly, director of the AEC's division of Peaceful Nuclear Explosives, sees the use of nuclear explosions to release new energy sources as the most promising current Plowshare program.

Such experiments with natural gas and oil shale involve underground nuclear blasts in Colorado. They have popularized a bumper sticker among test opponents that advises: "Visit Colorado, Playground of the AEC."

There are problems, Kelly admits. The first natural gas stimulated by a nuclear explosion was radioactive to an extent that makes it unfit for use in homes. But Kelly is certain the radioactivity can be reduced in future shots.

Opponents of such programs worry that economics will dictate a relaxation of safety.

The two companies most involved in this program are CER Geonuclear Corp. of Las Vegas, Nev., and Austral Oil Co. of Houston, Tex. Three officials from these companies recently jointly wrote a paper called "Economics of Nuclear Gas Stimulation."

In it they said, "The two gas stimulation experiments performed thus far were so expensive they could not possibly be economic."

Opposition to the gas stimulation project known as Rulison in western Colorado led to the filing of a suit in U.S. District Court in Denver.

Everybody won a little bit. The project was allowed to continue with provision that proper safeguards be followed. But opponents were cheered by that part of the decision which gave them the right to sue a government agency whose activities they felt were potentially harmful.

One of the most ambitious Plowshare projects was the plan to build a new canal across Central America utilizing nuclear explosives.

The Atlantic-Pacific Interoceanic Canal Study Commission will report to the President on the feasibility of the project by Dec. 31, 1970. Its report will omit any judgment on the possible use of nuclear explosives because the AEC was unable to get the funds for the tests needed to give the commission pertinent data.

Among the AEC scientists most disappointed by the lack of progress toward the canal is Dr. Edward Teller, the physicist dubbed "Father of the H Bomb."

Teller dismissed, in an interview, reports that the commission would reject the whole idea of a sea-level canal.

Kelly also is reluctant to abandon the idea entirely. But, he said, at this time "any decision would have to be without reliance on nuclear technology."

PRESERVATION OF BURLING TRACT

Mr. HARRIS. Mr. President, I have been appalled and alarmed at the continued delay in assuring the preservation of the Burling Tract, along the Potomac in Virginia, in its natural state. Accordingly, I have today expressed my views as strongly as possible to the owners of the tract, the Board of Supervisors of Fairfax County and the Secretary of Interior. This is a matter of great national importance. Accordingly, Mr. President, I ask unanimous consent that the telegrams I have sent concerning this matter be printed in the RECORD.

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

JULY 30, 1970.

BOARD OF SUPERVISORS,
Fairfax Co., Va.

GENTLEMEN: I urge you to move with the utmost dispatch and immediacy to stop any further outrageous destruction of the trees and other natural beauty of the Burling Tract. The people of Fairfax County, and particularly the young people of Fairfax County, as well as the citizens of this country, are watching this important example to see whether or not government is powerless to act against the unconscionable efforts of the owners of this tract to go ahead with irreparable damage to this area, despite the vote of the people of the district in favor of purchasing it and preserving it forever for the general public. I pledge you my every cooperation and I hope you are overwhelmingly impressed with the vital importance of this conservation case in point.

FRED R. HARRIS,
U.S. Senate.

JULY 30, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.:

Your immediate action is urgently required to do everything in your power to protect the Burling Tract, an uncommonly unspoiled Potomac Park area, against the continued efforts of its owners to destroy much of its trees and natural beauty before the board of supervisors can act to condemn and purchase it.

FRED R. HARRIS,
U.S. Senate.

RETIREMENT OF W. E. O'BRIEN

Mr. METCALF. Mr. President, Friday, July 31, marks the final day of Federal service for one of the Senate's employees as he completes three decades of service in which he has held assignments not only in this body, but in the House of Representatives and in the executive branch.

W. E. O'Brien, known to his many, many friends here on Capitol Hill and in his home State of South Dakota as "Obie," has served as a member of the professional staff of the Committee on Government Operations for the past 13 years.

As a member of that committee, I know something of the splendid service brought to the functions of the committee by Mr. O'Brien. Through the years he has been typical of those unsung heroes of Capitol Hill we all know, the loyal, diligent, and dedicated staff workers who make the wheels of the legislative machinery turn.

"Obie" O'Brien's contributions to the workings of our committee are many, and as varied as his many interests. He provided valuable research and direction, for example, in the committee's evaluation and recommendation of legislation dealing with the problem of pornographic materials and their impact upon young people.

In another area, Mr. O'Brien was most helpful in the activities involving the committee's recommendations dealing with the problems of population movements, a matter of great concern in States such as his and mine, which have had difficulties with the loss of population.

This particular effort by Mr. O'Brien in an earlier session of the Congress served as a most helpful foundation to the committee's work this year in taking up proposals seeking answers to the problems of population imbalances in the next several decades.

Mr. O'Brien's talents have been utilized by our committee in many ways, but rather than attempt to catalog his accomplishments, perhaps the best illustration of "Obie's" contributions comes in the words of the man with whom he associated for a great many years, our good friend and distinguished colleague, the senior Senator from South Dakota (Mr. MUNDT).

Unfortunately, because of his illness, Senator MUNDT cannot be with us to join in the deserved tribute to Mr. O'Brien. However, his statement reflects the high esteem in which "Obie" is held, not only by KARL MUNDT but by all who have had the opportunity to know him and to work with him.

Senator MUNDT sent this message:

I deeply regret I cannot personally be on hand to join in the salute to "Obie" O'Brien for his valiant service. "Obie" virtually came to Congress with me, joining my staff in 1940 in my first term in the House of Representatives.

For some 17 years he worked with me and my staff in the responsibilities of serving the people of South Dakota, both in the House and Senate.

And I am happy to say that the people of South Dakota, as well the citizens of the Nation, could not have had more dedicated service than that provided by "Obie" O'Brien who faithfully and completely met his responsibilities. I value him as both a friend and a vital counselor and his retirement from the Federal Service is truly a loss to the cause of good government.

Mr. President, before coming to Washington from his hometown of Madison, S. Dak., W. E. O'Brien taught in the public schools of South Dakota. He is a graduate of Dakota State College, which at the time he attended was known as General Beadle State College.

In 1940, he joined then-Representative KARL MUNDT's staff, serving with our colleague until 1957, coming, of course, with Mr. MUNDT to the Senate in 1949 when Mr. MUNDT was elected to succeed the late Harlan Bushfield.

In 1957, Mr. O'Brien joined the Office of the Secretary of Agriculture, serving as an assistant to the Secretary. He returned later that year to the assignment which he presently holds and from which he is retiring.

I might also point out, Mr. President, that during his House service, Mr.

O'Brien attended American University evening courses, and was instrumental in the establishment at the university of the Sigma Delta Chi Professional Journalism Chapter there.

Mr. O'Brien subsequently served as president of the Sigma Delta Chi chapter at American University and continues to retain his interest in the affairs of this national journalistic organization.

Mr. President, in saluting W. E. O'Brien today, I would be remiss if I did not compliment his loyal helpmate over the years, his wife Marge O'Brien.

To the O'Brien's, and their five children, I am delighted to wish Godspeed and to again express appreciation to "Obie" O'Brien for his contributions to our Nation in his 30 years of Federal service.

GRAPE GROWERS CONTRACT

Mr. HARRIS. Mr. President, the signing yesterday by 26 leading grape growers of an AFL–CIO union contract has been characterized by Cesar Chavez as the "beginning of a new day." Through the outstanding efforts of Cesar Chavez and others who have contributed greatly to the work of the United Farm Workers Organizing Committee, some of the farmworkers of this Nation will be entitled to basic rights and decencies other workers take for granted.

This event, while truly being significant, is but a beginning and first step. Congress has the obligation to see that these farmworkers receive the benefits of such Government programs as the right to bargain, minimum wages, unemployment compensation, workmen's compensation, and other related programs.

The Senate has an opportunity to provide farmworkers with unemployment compensation by voting against the conference report on H.R. 14705 and by requesting that a new conference be convened and that the Senate conferees insist on the farmworker provisions adopted by the Senate. I hope the Senate takes this action.

Cesar Chavez is to be congratulated for his efforts in the signing of the contract and in calling to the attention of all Americans the plight of the farmworkers. These workers deserve better and it is our obligation to do better.

I ask unanimous consent that a letter I sent to Cesar Chavez congratulating him for his efforts be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., July 30, 1970.

Mr. CESAR E. CHAVEZ,
Delano, Calif.

DEAR CESAR: I was tremendously pleased to learn of your success in negotiating the union contract with twenty-six grape growers. As you said, this does represent a "new day" and you are certainly to be congratulated for your efforts in making this possible.

Enclosed you will find a copy of a statement which I made on the floor of the United States Senate relating to the contract. I thought you might find this of interest.

We all recognize that much remains to be done. Applicability of the right to bargain, minimum wages, unemployment insurance and workmen's compensation to farm workers is a matter which deserves immediate attention of Congress. I am hopeful that we can make some improvements in these programs this year which will be beneficial to farm workers.

If I can be of any assistance, please do not hesitate to contact me.

With warmest personal regards,

Sincerely yours,

FRED R. HARRIS.

POLLUTION—A WORLDWIDE PROBLEM

Mr. CHURCH. Mr. President, there has been a great outpouring of concern within the last year or two about the undeniably deteriorating condition of the environment within the United States. Stacks of testimony, learned papers and film clippings illustrate the hazardous conditions.

However, the condition is not limited to the United States. This is a fact that we need not feel relieved about, but a fact that supports the position that the world is an increasingly interdependent planet.

In support of the worldwide gravity of the pollution crisis I call attention to an article that appeared in the Washington Post of July 20, 1970, by Claire Sterling entitled "Efforts Begin to Compute the Worldwide Eco-Crisis." The article refers quite correctly to the environmental crisis as "the crisis of crises, the culmination of man's timeless errors."

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

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

EFFORTS BEGIN TO COMPUTE THE WORLDWIDE ECO-CRISIS

(By Claire Sterling)

ROME—Suddenly, in any number of disparate countries—the United States, Britain, France, Germany, Italy, Sweden, Czechoslovakia, the Soviet Union, India, Japan—influential men have sensed an impending danger unlike any in human experience. Futurologists call it the crisis of crises, the culmination of man's timeless errors. They have many and not always comprehensible ways of putting this, but what they seem to be saying is that the day may be coming when the planet can no longer support the people on it.

There will be 7 billion people by the turn of the century, twice the number now. They are not going to have enough to eat: half the world's population is starving already, and 4 or 5 of the 7 billion are expected to. They will not have enough habitable living space, even by our own generation's shrinking standards; the more affluent may live 50,000 to a skyscraper, the poor in cement warrens of "conurbations" spreading across the continents from end to end. They will not have enough parks, beaches, woods, open countryside to escape maddening urban pressures, or enough psychiatrists for any but the basket-cases. They might not have the physical room to travel freely. They may not have enough breathable air or drinkable water.

The fact that this last goes for all of us—the human race, that is—may surprise some Americans, inclining as they do to the oddly proprietary view that the United States is alone in violating nature. Actually the Lake of Zurich is as irredeemably dead as Lake Erie; the Rhine is filthier than the Hudson; Swedish forests are withering under acid rains bearing sulphur from the Ruhr; the Japanese, Finns and Dutch fall deathly ill from eating mercury-tainted shellfish; sturgeon (and so, alas, caviar) is disappearing from the Caspian Sea; the Baltic's oxygen content is dropping at an alarming rate; the lifespan of a Milanese is three years shorter than other Italians' because of smog; and in some parts of the Tiber a fish will die in 15 minutes.

There are a lot more such fright stories, and others possibly in the making as bad or worse; earthquakes caused by man-made dams, deserts spreading relentlessly across overgrazed land, a new Ice Age induced by human tinkering with the atmosphere, lifeless oceans, terrestrial floods. And all the ravages we are just beginning to notice will have doubled within 30 years, when twice as many human beings will be scrambling for food and water, excreting, piling up garbage, consuming fuels and manufactured goods, emitting noisome vapors and deafening sounds as they criss-cross the globe in cars and supersonic jets.

All this amounts to so much more than our pedestrian ideas of what a problem is that futurologists have coined a word for it—the *problematique*. Nobody really knows the size of it yet; the international conferences and elaborate computer studies are barely getting under way. But it is clearly too big for panic decisions which, with the best of intentions, might easily make matters worse. It is obviously too big for any of the currently popular back-to-nature propositions: 7 billion people are unlikely to find deliverance by banishing the technologists and growing tomatoes in window-boxes. It is evidently too big to be entrusted to an exclusive club of rich industrial nations, whose performance so far has hardly inspired bottomless trust on the part of those other nations where the starving billions live. Above all, it is certainly too big for any single country, however wealthy, powerful, civic-minded, guilt-ridden, nature-loving, or technologically ahead of the rest.

Take the Baltic. It is an inland sea shallow and sluggish, with an outlet to the Atlantic so narrow that 30 years must go by before its waters can be flushed away and renewed. And it is sick: clogged with industrial waste and human excrement emptying into it from the bordering states of Denmark, Sweden, Germany, Poland, Finland, Soviet Russia; clotted with garbage sumped by pleasure craft; poisoned by windborne mercury from all Europe and DDT from everywhere; filmy with oil from passing freighters and tankers. Furthermore; it could die overnight. One cubic meter of light fuel oil can spread over a square kilometer of sea within one to two days. A shipwrecked super-tanker spilling, say 250,000 tons of oil on these imprisoned waters might kill off all marine life, with incalculable effects on the atmosphere, not to mention the economies of six coastal states inhabited by over 300 million people. Yet the tankers will go on plying these waters unless and until the six governments agree to ban them. Even so, there would remain the slime from the six nations' rivers and the treacherous winds overhead.

Something may be done about the Baltic, the only point, last summer, on which the Swedes and visiting Soviet Premier Kosygin could unreservedly agree. But whatever else is done even by the six states could not be enough. If nothing else, the winds would defeat them—those winds that carried radioactive ash around the world from Hiroshima in a fortnight, that have carried pesticides 3,600 miles from Africa to the Caribbean and managed, in a quarter of a century, to impregnate the Antarctic ice with 2,600 tons of DDT.

There is really no getting around it. If the planet is to be reasonably livable somewhere around the year 2000, we are going to

have to have planetary rules, planetarily devised, imposed and policed. This has nothing to do with internationalist sentimentality, One Worldism or the Brotherhood of Man: we can all still hate our neighbors. It is merely the recognition of an elementary survival principle comparable, at this stage in human history, to the earliest strictures against cannibalism. (Cannibalism is one way out, of course, but does not fall within our immediate purview.)

These articles will necessarily start from that premise. The reporting will cover Communist and capitalist, rich and poor, black and colored states, what they're doing or say they're doing, what's stopping them—not so much technologically as in the way of national sensibilities, bureaucratic sclerosis, power, politics, money.

There will be no particular effort to relate this reporting directly to the United States. The connection would be implicit; and too much insistence on it would merely reflect habits of thinking which, like conventional politics and diplomacy, are already becoming obsolete.

DIVERSITY OF BIG THICKET GENERATES VARIETY OF PROPOSALS

Mr. YARBOROUGH. Mr. President, a recent newspaper article on the Big Thicket gives an excellent review of the variety of proposals which have been made to preserve this beautiful part of Texas.

The article emphasizes the most important point of all the discussion about the Big Thicket—all persons who know the Big Thicket agree that it should be preserved. While the debate among the various individuals and interests involved often becomes brisk, this is to be expected when advocates present their positions with vigor. It is most encouraging that the issue being discussed is not whether there should be a Big Thicket National Park, but how large the Big Thicket National Park should be.

The proposal which I have formulated is contained in S. 4, my bill to establish a Big Thicket National Park of not less than 100,000 acres. It is my position that the amount of land is the minimum necessary to adequately protect the unique ecosystems contained in the Big Thicket.

Mr. President, I ask unanimous consent that the excellent article by Mr. Dan Martin entitled "Friends of Big Thicket Many—and in Disagreement" which appeared in the July 23, 1970, evening edition of the Fort Worth Star-Telegram on page 4–A, be printed in the RECORD.

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

FRIENDS OF BIG THICKET MANY—AND IN DISAGREEMENT

(By Dan Martin)

BEAUMONT.—Everyone, it seems, is agreed: There should be a Big Thicket National Monument.

Sen. Ralph Yarborough thinks so. He authored a bill calling for creation of a national park.

Dr. Charles Wilbanks, president of the Big Thicket Association, a conservation group, and O. R. Crawford, president of the Texas Forestry Association, think so, as does U.S. Rep. John Dowdy of Athens, who also wrote a bill.

Conservationists and industrialists alike feel the area should be preserved.

So does the National Park Service.

In 1967 it made a survey of the area. A report enthused:

"The scientific and recreational values of the Big Thicket are so outstanding in quality and importance and their threatened loss to the nation so grave, that their preservation by the federal government for the enjoyment, education and inspiration of all the people is imperative."

That all sides agree on the main aim is a twist on the old "white hat-black hat" theme.

Despite the basic agreement, there is little agreement.

Conservationists want a park of at least 100,000 acres.

Timber interests—the major landholders in the thicket area—want only a "string of pearls" park of 35,500 acres.

Conservationists accuse timber interests of having ulterior motives, of being manipulators and of killing off native beauty to make a park less desirable.

Timber people treat conservationists patronizingly, seemingly as one would react to a retarded child or explain a complex point to a slightly daft, impractical dreamer.

That, then, is the polarization.

Both sides agree there is a need to preserve the natural beauty and eco-systems of the Big Thicket.

The rub comes in deciding how big, where, how it will be accomplished and other implementary details.

Conservationists generally support Sen. Yarborough's Senate Bill 4, which calls for the creation of a park "not less than 100,000 acres in Hardin, Liberty, San Jacinto, Polk and Tyler Counties."

Lumbermen generally support a bill sponsored in the House of Representatives by Rep. Dowdy, which calls for a park not to exceed 35,500 acres.

In addition to the Yarborough and Dowdy bills, two other bills have recently been dropped into the hopper.

U.S. Rep. Bob Eckhardt of Houston, a Democrat, proposed a bill for a park of 185,000 acres.

U.S. Rep. George Bush of Houston, the GOP nominee for U.S. Senator, proposed a bill to create a park of up to 150,000 acres.

Both bills call for a park in a modified "string-of-pearls" shape.

Opinions range from those of Sen. Yarborough and Orrin H. Bonney of Houston to those of Hubert Mewhinny, a retired Houston newspaperman.

Senator Yarborough has said of the Thicket:

"The Big Thicket is a beautiful and unique area of heavy rainfall and dense vegetation . . . It is one of our country's most valuable regions of biological and ecological development. Until recently this portion of the Texas gulf plains had remained an unspoiled refuge for rare species of plant and animal life. However, increasing development and exploitation of the area now threatens the existence of the Big Thicket as an identifiable ecological unit."

Bonney writes of the "breathtaking loveliness of ferns growing from the moss of gnarled tree trunks, the unbelievable green solitude of tree-encircled meadows resplendent with wildflowers, magnificent magnolia groves, azaleas exploding with color, luminous beech forests, eerie cypress swamps."

He speaks of the Thicket as the "biological crossroads of North America," and of champion-sized trees, 21 varieties of wild orchids, 25 ferns, fungi, mosses, algae, the 300 species of birds which live within the thicket.

Mewhinny, who now lives in San Jacinto County says of the Thicket:

"There are not national parks in Louisiana, Mississippi, Alabama or Georgia, and for good reason.

"There is no spectacular scenery in those states and there is no primeval and inviolate wilderness.

"Mildly pretty as parts of East Texas may be, the same thing is true of here. The so-called String of Pearls might have some justification. But I would respectfully ask the Senate to think twice before setting up a full-scale National Park in East Texas.

It would be a fraud on the innocent and gullible tourist."

This aura permeates in Big Thicket discussions and the hearings.

Conservationists accuse timber interests of trying to destroy the Big Thicket.

Lumber spokesmen retort, somewhat hotly, that the charges are "outright falsehoods."

Lumber spokesman contend they are the "stewards of the land," taking good care of it.

Conservationists say timber interests "are destroying the native woodlands."

One of those who questioned the timber industry is U.S. Rep. Bob Eckhardt of Houston, who commented:

"Perhaps I may be wrong but I cannot help but wonder if there isn't a well-organized scheme afoot to destroy the aesthetic value of the Big Thicket. Then, there will be no point in trying to save any of it.

"I wonder if there aren't well-planned programs to destroy the hardwoods—the hickory, pecan and beech—and supplant them with fast growing pines for money-hungry lumber barons . . ."

Eckhardt told of a hero rookery allegedly sprayed with insecticides from an airplane, killing more than 200 water birds within a two acre site; hardwood trees felled to make room for pine, magnolias chopped down for railroad ties and native pecan trees cut to make "corduroy roads."

"There is one instance of a huge magnolia tree literally being 'murdered.' The beautiful tree—1,000 years old and judged to be the oldest and largest in North America—was found dead, drilled in nine places—and poisoned with arsenate of lead," he said.

Eckhardt added that he does "not think that lumber companies are the principal culprits in devastation of the Big Thicket at this point. As you ride through the area, you see subdivision after subdivision opening up . . ."

Others, such as Geraldine Watson, a tour guide and naturalist from Silsbee, accuse the timber industry of killing the Thicket.

"I want to say the greatest danger to the Big Thicket are plans to convert all the natural woodlands to pine plantations at the rate of 35,000 acres a year."

She called such plantations "ecological wildernesses."

Edward Fritz of Dallas, chairman of the Texas Committee on Natural Resources, said the timber industries are not taking good care of the land.

"They are, in fact, destroying the ecosystem in five ways.

"First, they are admittedly converting all feasible tracts into one species tree plantations . . . A one species plantation has no value ecologically or aesthetically . . . The timber companies are pockmarking the Big Thicket with pine plantations at the admitted rate of 35,000 acres per year.

"Second, the timber companies have almost completely abandoned single-tree selective cutting (and have started) clear cutting several acres at a time . . . Such clear cutting nowadays involves the annihilation of all plant life, to leave plenty of sunlight for the oncoming pine trees. Many species of plants and animals are disappearing as a result.

"Third, the timber companies have failed to set aside for permanent preservation any substantial samples of typical plant communities. They have recently laid out a few short nature trails, but these are inadequate in every way. They have donated two five-acre campsites in Hardin County, but they have thus far failed to donate any Big Thicket natural area for preservation . . . The timber companies have not even established

an eco-system preserve of their own, and if they did, there would be nothing to stop them from cutting it in a pinch.

"Fourth, the timber companies are locking the public out of their best areas.

"Fifth, the timber companies sell or lease substantial acreages along roads and streams for commercial, residential or recreational development, particularly hunting and fishing camps. Through this practice they reveal that they are not perpetuating the forest as a source of wood products for the future use of man, but are, instead, exploiting the land for the largest available profit."

O. R. Crawford, president of the Texas Forestry Association, disagrees. He noted that "practically all of the land under consideration has been cut—several times over in the past 100 years.

"It is through the management of its present owners that the Big Thicket is what it is today. We have brought back what was destroyed in the last," he asserted.

"We support this park. I have said it before and I will say it again that we will preserve, we will protect every tree, every plant that should be protected and preserved."

The national park people chose the 35,500 acres as containing flora and fauna that is rare and unique," he said, urging its preservation while asking that other land in nearby national forests be developed for recreational use.

Conservationists urge the 100,000 acres to preserve the integrity of the 35,500 acre "unique specimen areas."

According to a plan developed by Bonney for the Sierra Club, a Big Thicket National Park would include unique specimen areas, wildlife areas, timber management areas, rivers and streams with wide corridors on both sides to preserve their beauty, a network of highways bordered with a deep corridor of natural forest and recreational facilities.

The timber industry, on the other hand, maintains that the NPS-selected areas are all that needs preserving.

The Big Thicket, which some people claim is being "murdered," now rests in the midst of controversy, awaiting a decision from the National Park Service, the Senate Parks and Recreation Subcommittee, and the myriad of other details which precede or preclude the formation of a national park.

While agreeing on the main aim—preservation of some part of the area—the sides are polarized.

Hopefully, it will be as Dempsie Henley, founding president of the Big Thicket Association, says.

"It's just a matter of compromise now."

Or, as one observer put it, "It would be tragic to see the area die because conservationists and lumbermen—who agree on the goal—can't agree on the roadmap."

VARIOUS PRESERVATION IDEAS PRESENTED IN PARK PROJECT

The controversy around creation of a Big Thicket National Park centers on the size and on what shall be designated unique and worth preserving.

The National Park service, in February of 1967, issued a report on the park, suggesting a "string of pearls" concept, embracing nine ecological islands within the area.

The nine areas are:

The Big Thicket Profile Unit, 18, 180 acres. Located in Hardin, Polk and Liberty Counties, the unit is an elongated, narrow tract spanning a full cross-section of the Thicket, typing together the upper and lower thickets.

The Beech Creek Unit, 6,100 acres. It is 13 miles east of Woodville in Tyler County, encompassing a rich expression of the upper Thicket, composed of beech-magnolia-white oak-loblolly pine association.

Neches Bottom Unit, 3,040 acres. It is on the Neches River in Jasper County, about eight miles west of Buna. It is a magnificent hardwood forest on flood-plain bottom lands.

Tanner Bayou Unit, 4,800 acres. This is on the west side of the Trinity River, in Liberty County, 12 miles north of Liberty and it appears to be a virtually untouched example of the flood plain forest community.

Hickory Creek Savannah Unit, 220 acres. It is in southern Taylor County, five miles south of Warren. It is a threshold community bordering on the Thicket community. It is a longleaf pine-grassland association.

Beaumont Unit, 1,700 acres. This is in southeastern Hardin County, at the confluence of the Pine Island Bayou and Neches River. It is a superlative representative of the flood-plain forest, stream-bank community association.

Little Cypress Creek Unit, 860 acres. This is in western Tyler County, five miles west of Woodville, representing qualities similar to the Beech Creek Unit, but having a deeper relief and therefore more varied upper Thicket vegetation.

Loblolly Unit, 550 acres. This is near the eastern boundary of Liberty County, about five miles northeast of Moss Hill. It has an exceptionally find stand of the Big Ticket's characteristic trees, the loblolly pine.

Clear Fork Bog Unit, 50 acres. This is in Tyler County seven miles east of Colmesneil. It is a botanical marvel, of sphagnum-swamp tupelo association, including some of the rarest plants in the country.

The Sierra Club proposition calls for not only preservation of these units but:

Wildlife areas of sufficient size and forest cover for restoration, habitat and protection.

Timber management areas established for timber harvest and multiple use similar to U.S. Forest Service practices in national forest.

Wide river and stream corridors on both sides to preserve their natural beauty, accessible to canoers with primitive camping available.

Highway corridors at least a half-mile on each side, providing access and sightseeing.

Recreational facilities in areas not protected as unique.

PARTNERSHIP FOR BETTER HOUSING

Mr. WILLIAMS of New Jersey. Mr. President, one of the most pressing problems facing our Nation today is that of providing livable low-income housing units for disadvantaged city residents.

There is unanimous agreement from experts in urban planning that something must be done to replace unsafe and unhealthy inner-city housing units with sanitary and appealing units priced within the range of low-income families. But, there is wide disagreement on how this should be done.

One solution has been developed by a group of concerned citizens in Camden, N.J., and the success of their efforts should prove encouraging to others concerned about this problem.

A group of businessmen saw the need to rehabilitate inner-city housing and enlisted the aid of five of the Camden area's leading corporations. Working together they formed a private, nonprofit corporation called Camden Housing Improvement Projects—CHIP—to rehabilitate dilapidated housing.

The businessmen have received help from the city, State, and Federal Governments in a fine example of how partnership between government at all levels, private citizens, and big business, can achieve positive results.

Mr. President, the work being done by CHIP is described in an article in the current issue of Challenge, a magazine published by the Department of Housing and Urban Development, and 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:

CHIP BRINGS NEW LIFE TO RUNDOWN HOMES

Block after block of decaying row houses once gave large chunks of Camden, N.J., the appearance of a city withering away. No rebuilding was being undertaken in deteriorating areas of this industrial center of 117,000 people. Then a group of businessmen decided to do something about the desolate scene they passed each day commuting to their downtown offices.

They took the problem to top executives of five prominent Camden-based concerns: Campbell Soup Company, Radio Corporation of America (RCA), The Bank of New Jersey, The Dorrance Foundation, and South Jersey National Bank. Out of these discussions came the founding of a private, nonprofit corporation called CHIP, an acronym for Camden Housing Improvement Projects.

Since its founding, CHIP has been vigorously helping to counteract the local housing shortage and decay by buying dilapidated homes, rehabilitating them, and selling them to low-income families at prices they can afford.

HOMES FOR LOW-INCOME FAMILIES

The businessmen recognized that most of the urban renewal being undertaken in Camden was in low-income neighborhoods. They were concerned over where former residents were relocating and discovered that although much planning was underway, the proposed new homes and rental units would clearly be beyond the means of lower-income groups. The housing shortage was becoming more critical among the poor—with overcrowding, relocation problems, and accompanying evils.

Alerted to the need for quick action, the five Camden concerns launched CHIP's home-rehabilitation program with loans of $100,000 each, interest-free. With this pool of money, CHIP acquires vacant, run-down properties usually for less than $1400. Averaging $9500 in rehabilitation costs including labor, the nonprofit corporation in most cases renovates the home completely in 60 to 90 days. Out-of-pocket expenses total $10,900, but with overhead and other costs, such as financing and selling, the current sale price of the homes is about $12,700.

The houses are sold to low-income buyers under HUD–FHA's 221(h) low-interest mortgage insurance program specializing in properties rehabilitated by nonprofit groups. FHA's Section 235 interest subsidy program is also being used for some mortgage financing.

With this winning combination, by April of this year CHIP had 168 houses completed, had 20 undergoing rehabilitation, 14 awaiting FHA approval, and another 38 houses in acquisition and planning.

GETTING ORGANIZED

CHIP's founders realized during their early planning that a major commitment of professional business talent and capital from a limited number of sponsors would allow the new nonprofit, coordinating corporation to function with flexibility and dispatch. To complement their own particular expertise, the founders appointed to CHIP's executive board additional trustees drawn from Camden neighborhoods selected for rehabilitation.

The CHIP board—including experts in civil rights, real estate, mortgages, law, and Fed-

eral agency administration—chose for their executive director Jerome I. Weinstein, a 35-year-old Camden resident with experience in construction, finance, and real estate. Weinstein, who has been a contractor in rehabilitating homes, a retailer, a social worker, and a real estate broker, says that the CHIP board continually helps him with invaluable professional guidance. Besides its considerable financial backing, the board also provides such assistance as free office space and storage facilities for construction materials. An annual grant from the New Jersey Department of Community Affairs pays the salaries of a small CHIP office staff.

Washington-based HUD rehabilitation specialists helped select initial CHIP project sites. Camden FHA staffers continue to assist in the day-to-day workings of HUD's rehabilitation program for low-income homebuyers [221(h)].

TAX BREAKS AND FORECLOSURE LAWS

Executive Director Weinstein is quick to praise the city's cooperation in setting tax assessments. He explains that "to supplement the benefits of FHA's low mortgage interest rate, a realistic property tax was necessary. If the city had re-assessed each property based on our additional cash investment in the house, the increase in annual taxes would have tended to discourage further attempts to rehabilitate. The city's attitude has been very fair in establishing property assessment based on selling prices under normal market conditions, as employed in evaluating other properties in the neighborhood."

All is not utopian with CHIP's program, however. Weinstein says that his real headache is not working capital or costs but the difficulty of acquiring a continuous supply of vacant houses for rehabilitation. Yet in Camden, as in most of our major cities, many abandoned, tax delinquent properties suitable for rehabilitation are tied up in foreclosure laws that involve long legal processes and hamper acquisition.

Because of these obstaces, CHIP approached the State Attorney General's Office in the hope of acquiring an additional source of housing supply. CHIP requested that the State exercise its powers to condemn abandoned properties and thereby free them from the time-consuming foreclosure process. The Attorney General complied, and CHIP is now purchasing state-condemned houses for rehabilitation.

LOW-INCOME HOMEBUYERS

CHIP's personalized approach includes management and budgeting counseling by a staff of social workers that prepares homebuyers for their new responsibilities.

Many of the CHIP homebuyers who have been on relief and never owned a home, find jobs and then apply for a rehabilitated home. Vernon Tatem, now a construction employee of Campbell Soup Company, recently moved his family of seven into a three-bedroom CHIP home. "I am buying my own home," he says, "and paying $6.00 less than I was paying for an $80 rented home. And my heating bill is half of what it used to be." His wife especially likes "the improved layout that gives us a lot more room than we had before."

CHAIN REACTION

CHIP employs seven general contractors, four of whom are black. Rehabilitation includes all new heaters, wiring, insulation, and copper tubing as well as new kitchen appliances, flooring, windows, or steps when needed. CHIP projects in deteriorating Camden areas have the salutary effect of inspiring improvement of other houses in the same neighborhood.

CHIP keeps chipping away at the housing need in Camden by making rehabilitation settlements in packages of four to seven homes at a time. The average mortgage is for 40 years at three percent interest. Each settlement brings Camden that much farther out of decay.

With houses deteriorating faster than new construction can replace them, productive nonprofit housing corporations that specialize in rehabilitation, like CHIP, will remain indispensable for some time. The abandoned or condemned homes are waiting to be rehabilitated for families in need of housing.

HEALTH SERVICES AND MOUNTING MEDICAL COSTS

Mr. HARRIS. Mr. President, on July 8, 1970, I held an important public hearing in Tulsa, Okla., on the subject of the delivery of health services and mounting medical costs. The testimony I received at that time was thoughtful and worthwhile, and I believe that Senators and relevant committees can benefit from consideration of it. Accordingly, Mr. President, I ask unanimous consent that the final portion of that testimony be printed at this point in the RECORD.

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

DELIVERY OF HEALTH SERVICES AND MOUNTING MEDCAL COSTS

COSTS OF HEALTH CARE

A great deal is being said today about the rising costs of health care.

It is true that health costs are on the increase, but to be accurately appraised, these costs should be reviewed in context with other costs of living and in terms of the rising value of health services. Also, there are extenuating factors, such as the impact of federal health programs, which have created an adverse cost picture.

In 1966, the Consumer Price Index showed the following division of the consumer dollar: Food and alcohol—23¢; shelter—30¢; clothing and jewelry—10¢; transportation—13¢; recreation—6¢; health—7¢ and all other expense—11¢.

The health portion of the consumer dollar may be broken down as follows: Hospital—31¢; physician—28¢; drugs, medicine and appliances—21¢; dentists—10¢; and all other medically related services—10¢.

In terms of percentage increase, health costs have been a part of the general inflationary trend. For example, during the ten years from 1957 through 1966, health care costs as a whole went up 34 percent. As elements of that total, physicians' fees went up 33 percent . . . drugs and prescriptions, only 1 percent . . . and the daily service charge for hospitals went up 78 percent.

For the same period, the price of all goods increased 11 percent, and the costs of all services went up 26 percent.

Tobacco products were up 30 percent, public transportation up 31 percent, food up 17 percent, and housing, the largest item in most budgets, up 13 percent.

One of the severest critics of the rise in health care costs is our federal government, whose own general revenue receipts went up 36 percent during the period of 1960–66. Despite this substantial rise in income, the public debt rose 11 percent.

No one likes the spiralling inflationary trends in the costs of living. Health services, however, which should be generally conceded to be among today's best values, are not unlike the rest of the economic picture.

What are the factors which have contributed to the rising costs of health care?

1. Public demand: Most Americans are more health conscious, and they have increased the volume of their purchase of health scrvices. Much of the "rising cost" is simply a reflection of the volume of work being done, rather than increased charges.

2. Governmental demand: The federal and state governments—through the purchase of health services for large segments of the public—have paid billions of dollars for care, much of which was formerly furnished as charity by physicians and hospitals. Health care expenditures will naturally rise in relationship to the general cost of living when subjected to an external economic stimulus of this magnitude.

3. Price of progress: There is no more dynamic field than medical science. New drugs, techniques, equipment and facilities . . . which have contributed so dramatically to the prolongation of human life and the relief of human suffering . . . should be measured with emphasis on their value rather than their costs.

4. Operational costs: Health care is a personal service which does not lend itself to automation. As the price of labor increases, and as new medical techniques require additional sophisticated personnel, operational costs in clinics and hospitals have been passed along to the consuming public. For example, wages account for over 60 percent of a hospital's operational cost, so the influence of the labor market has a severe impact on hospital charges.

Physicians' clinics and hospitals are also affected by the costs of goods and services furnished by other segments of the economy, and in this context they are the victims rather than the perpetrators of inflation. Finally, government's impact in the health care field has created new administrative burdens for the private sector which cares for America's health, and the personnel necessary to handle non-medical governmental demands represent a new cost factor.

It is expected that the costs of health care will continue to rise in an inflationary economy. However, community planning projects may be able to reduce hospital costs to some extent by eliminating duplicated services and facilities among the local hospitals.

In addition, the federal government should relieve the pressure on the producers of health services by looking very carefully on new health care legislation until existing new programs have been perfected and old ones have been evaluated for their necessity and effectiveness. At the present time, 175 federal departments or agencies operate health programs. A mechanism for coordinating these activies, in cooperation with Congress, appears to be needed.

Increased medical manpower, as mentioned in the preceding section, can provide a better balance in the current supply and demand dilemma and perhaps reduce costs.

Meanwhile, the medical profession is effectively monitoring the fees of its members through a nationwide claims review system which is made available to patients and to private and governmental administrators of prepayment programs.

Financing health care

The medical profession believes in individual and family responsibility. Americans should be encouraged by all persuasive powers, including government, to maintain the cherished concept of financial independence, both as individuals and as family units.

In recent years, however, government's attitude has been to discourage individual initiative in health economics by purchasing benefits for large segments of society, many times without regard to the resources of the beneficaries.

This concept is wrong. Government, which should encourage self-reliance, could do so in the health field by implementing the idea expressed in the following paragraphs, an idea which would minimize government control and assure adequate health care protection for all Americans at the same time.

To encourage ample health insurance coverage for all members of the public under age 65, studies should be directed toward the use of the federal income tax system, to permit graduated subsidies to taxpayers to assist in meeting the premiums required. The proposal contemplates an income tax credit (not a deduction, but an actual remission of a portion of the tax as adjusted to the indi-

vidual taxpayer's needs) for those purchasing adequate health insurance coverage.

Implementation of such a program would demonstrate many inherent advantages: The degree of federal involvement in medical care financing would actually be slight; the money involved would be the individual taxpayer's own money, withheld by him for taxes paid, rather than paid out to him or to the insurer by the federal government. It would allow the total amount to be used to maximum effectiveness of the funds, eliminating the loss in transit which would occur if first paid and subsequently returned as a grant.

Indigent and needy persons now eligible for Title XIX benefits (Medicaid), who do not have sufficient income to pay an income tax, could be included in this health insurance program by receiving vouchers for the purchase of comprehensive health insurance, financed from the federal general revenues.

Catastrophic insurance

As a companion piece to the use of income tax credits for the purchase of basic health insurance coverage, studies should be directed toward the federal-purchase of catastrophic coverage from the private insurance industry.

This coverage, designed to provide comprehensive health benefits for catastrophic illness after basic resources are exhausted, should only be offered to the American people on the basis of need.

Thus, a person with low income and few assets, could perhaps receive a catastrophic policy which would become effective after $1,000 had been spent on a single illness, whereas another person of greater means would have his benefits start at the $5,000 mark

The variable "deductibles" could be apportioned on a simple income-asset application form, and, again, the income tax credit program could be used to reimburse the approved policyholder for his coverage.

Legislation by regulation

There is a continuing, accelerating usurpation of legislative power by the administrative agencies of our federal government. The use and abuse of these unauthorized powers commonly frustrate, distort and even negate the policies laid down by Congress.

"Legislation by regulation" has been observed by physicians in the implementation of Medicare, where the expressed intent of Congress to forbid government interference with providers of services has been completely aborted by the administrative policies handed down by government agencies to the fiscal carriers.

To preserve our legislative branch, therefore, it is recommended that Congress establish within its control a "Committee on Rules and Policies of Federal Administrative Agencies" whose responsibility it will be to review regulations promulgated by such agencies to determine if they are in accord with legislative intent. If such regulations are found to be in conflict with Congress, the committee should have the power to nullify them and remand them back to the agency for proper revision.

Health planning

Congress, in approving Public Law 89–749, the Comprehensive Health Planning and Health Services Amendments Act, ordained that massive steps should be taken to improve the orderly delivery of health services, both public and private, in order to assure maximum benefits to the American people.

The medical profession supported voluntary health planning long before it caught the eye of Washington bureaucrats and was promoted by them into a legal entity. Statewide, regional and community planning efforts mandated by this federal law are now being joined by physicians (but in a minority role as provided by the language of the law) because we desire to contribute toward practical ideas for the improvement of our services and because we believe medical doctors should have some voice in the control of their own destinies.

At the same time, we believe that the greatest chaos in health care planning lies within the workshops of those bureaucrats who have decided to investigate ours. As previously stated, there are presently 175 federal departments and agencies operating health programs, and this system not only lacks coordination, but is manifest with outright competition to see which agency or department can pour the most money into the same area of chosen concern.

Many of the programs are obsolete, some duplicate the services of others, and all are wasteful.

Thus, in the matter of comprehensive health planning, we suggest that the first place to "clean house" is in the nation's capitol, and we propose that another "Hoover Commission" be created by Congress to re-evaluate the functions and purposes of all federal departments and agencies engaged in health activities, with the objective of formulating corrective recommendations back to the Congress.

Senator HARRIS. I appreciate very much your well prepared statement, which will be a useful one for us. Particularly, you've added some important comments in regard to rising costs and inflation generally in the economy and rising public demand. I also think it's very important to discuss in more depth why it's difficult to get doctors in rural areas and some of the factors that are involved and some of the programs that we're pioneering here in Oklahoma that I am very interested in. I thank you very much.

Dr. Howard Keith is a physician in Shattuck, Oklahoma. We're glad you're here and we'll appreciate hearing from you.

TESTIMONY OF HOWARD KEITH, M.D., OF SHATTUCK, OKLA.

I fit the unusual pattern for the physician, I guess, in that I am Board certified in two different specialties—general surgery as well as cardiovascular surgery. I trained to go into academic medicine and I had planned on spending my life in teaching. However, after one year in this particular field political interference became of such magnitude that I no longer felt that I could care for patients in the manner that they deserved. Therefore, I left academic medicine and went into private practice. I chose a town of 1,500. So it's rather unusual to find an open heart physician in a town of 1,500 but I'm there.

This past year I had a very interesting experience. One of my associates who is also Board certified in orthopedic surgery and who does extensive traumatic hand work and I were in a foreign country which has a national health insurance. All medical care is paid for. My young child fell and sustained an injury to his hand. We took him to the hospital to obtain medical care. This was the leading medical facility of this locality. While we were there it took us 6½ hours in the emergency room before we were seen by a physician. It was not a matter of being there in the middle of the night or some other problem. Anyone who does hand work realizes that by that time we were already thirty minutes past the ideal time for repairing the injury. I had one of the best hand men in the Southwestern part of the United States with me and they refused to let him do anything. They refused to recognize our position, our training, our background, or anything else. My child was taken from us; we had no choice of physician. We knew one in the area which we requested. This was denied to us.

This particular physician was not on duty at that time, and since we found out has differences with the national health insurance association and isn't recognized by them and so he wasn't allowed to be our physician. They operated on our son and took care of him. The following day I inquired where the physician was who was going to make rounds. By late afternoon I was informed that this was Thursday. I thought well, hell, what difference does it make whether it's Thursday or Sunday. I make rounds seven days a week. I was informed he returned to the hospital Monday afternoon and that we would see the surgeon 4½ days post-operative. Who was covering during this period of time? Well it was his time off and nobody covers. So needless to say I became rather irate. I found a physician; we were discharged from the hospital; and took the child back into our care. During the period of time that we were in the hospital, I talked to one other patient whose wife had come in with a threatened abortion. She'd been in the hospital eleven days and had not seen a physician yet. They were delighted with the whole system—they didn't have to pay a penny for health care. I hadn't seen any evidence of health care yet. I think just because you have national health care insurance, just because somebody is paying the bill, doesn't necessarily mean, Senator Harris, that we're going to get good care. I think good care comes from the physician. As I mentioned, I went to a small town in Western Oklahoma prior to Medicare and Medicaid and we had good medical care there. I think we still do. But it's working the hell out of the few of us to do it.

With the implementation of Medicare and Medicaid our area, one-fourth of the land area of Oklahoma, the Northwest part of the state, has been reduced to twelve hospitals. And at my last count, 35 physicians caring for one-fourth of the state. Hospital after hospital is closed. Doctor after doctor is leaving because the hospital cannot provide under Medicare the services that are required. Therefore, they cannot receive proper compensation and they have to close. So our medical care in the area is being reduced. At the present time over 50% of my patients are coming over 200 miles to receive services. To me the federal program does not provide medical care to these people if they have to travel a distance to get it. So I don't think we can just legislate and provide insurance or some other form and suddenly provide care.

Senator HARRIS. I agree with that. You obviously have indicated some pitfalls that do not necessarily follow from national health insurance, but certainly ought to be guarded against. Let me just say that in the little town of Elgin there was a doctor, Dr. C. M. Martin, who was chosen by the American Medical Association as General Practitioner of the Year one year. He delivered our first baby. He is deceased now, but he practiced until he was over 70 years old. The fact that some other doctor like him does not still practice in Elgin is not solely a result, I think, of federal programs.

Dr. KEITH. It is not the result of federal programs but federal programs did not necessarily return the doctor. . . .

Senator HARRIS. No, that's not right and that's why we need to do more. I believe that we've said that here.

Dr. KEITH. Also, it's been advocated all day long, and I notice a good deal of our friends from labor unions have left, that physicians' costs are skyrocketing, or at least this was the statement that I heard. Yesterday, in anticipation of coming over here, I pulled a few bills from my private file. I bought the same car for the last four years. I'm on multiple state committees and so forth and the board of directors of the Boy Scouts, etc., and I drive a good many miles each year. In 1967, I paid $4,700 for this particular car. In 1970, I bought a model smaller. I left three expensive extras off. That car cost me $6,700. This is a $2,000 increase. My grocery bill in 1967 was $170 a month. In 1970, $280 a month. I had my house painted, the trim, in 1968,

$60. I got the bid yesterday to do it this year, $280. In both cases I supplied the paint. Yet I looked at my own bills that I charged. For 1963, I took the four most common procedures that I do. One of them, $275. 1970, $275. 1963, $500. 1970, $500. 1963, $10; 1970, $10. One of them, the average office call, 1963, $5; 1970, $6. But that $6 is a fallacy. I still get paid $5 because Medicare hasn't allowed it yet. (Laughter). Now, I went to a country that has national health insurance and I learned to do a procedure which at that time was not performed in the state of Oklahoma and I was the first one west of the Mississippi to do it. The cost of that procedure in that country was $3,500. That's a lot of money, I agree. I came home and did the first two of them for $3,500. It was ridiculous; it was too much money. I reduced my fee to $1,000. For the time that I spend in this I ought to quit doing it.

I could make a whole lot more money doing the $275 or something else. But I don't think a patient deserves to have to pay $3,500 to live and I don't charge it. So what I'm reflecting here is the fact that all of my costs have remained the same or decreased yet what I am having to pay for is rapidly increasing.

Senator HARRIS. I think you have dramatically illustrated one of the things that Dr. Hendren said about the general inflationary increases that have continued in our economy. So, I appreciate what you have had to say and I think it will be useful in these hearings.

I didn't mean to pass over Dick Luttrell and Jim Harvey. Since you all have written statements, we'll put them in the record. I appreciate your being here at this time, and, also, I'm grateful to Jim Harvey for furnishing me with a book, *Hospital Regulation: The Dilemma of Public Policy.*

Mrs. Ruth Avery who is an appointee of the Governor to the Oklahoma Narcotics and Drug Abuse Council, a member of the Tulsa Area Health and Hospital Planning Council and a Tulsa businesswoman is here.

TESTIMONY OF MR. RICHARD C. LUTTRELL, ADMINISTRATOR, NORMAN MUNICIPAL HOSPITAL, NORMAN, OKLA.

I am Richard C. Luttrell, Administrator of the Norman Municipal Hospital of Norman, Oklahoma. The hospital I represent is currently a 150-bed acute general hospital owned by the City of Norman and operated by a 5-member Norman Municipal Hospital Authority. The hospital has an average occupancy in excess of 85% for the year ended June 30, 1970. Its average length of stay is about 6 days and average stay of over age 65 group is 10 days.

The hospital has assets of 7.5 million and loans for capital expenditures outstanding of $3.2 million. The hospital is engaged in a major building program. Average in-patient cost per patient day is $67.00. All operating costs of Norman Municipal Hospital must be met by patient revenue. The hospital receives no operating funds from other sources.

This points up our need for equity for the purchase of our services from all purchasers of care whether it be individual, insurance, Government, or Blue Cross.

Cost reimbursement formula in general

A hospital cannot operate without some degree of profit. Profit is necessary for current debt retirement as well as the necessity of providing for replacement of plant and equipment. Elimination of the 2% allowance in lieu of specific recognition for Hospitals effective June 30, 1969, further compounded the problem. This allowance amounted to $51,944.68 for the Norman Municipal Hospital for the year ended June 30, 1969, and probably would have amounted to approximately $70,000.00 for the year ended June 30, 1970.

Many costs for providing services for Hospital patients are not allowed under the Medicare reimbursement formula. Examples are costs of operating Coffee Shops, Employee Meals, Beauty Shops, Telephone and Television charges. Certainly these costs are necessary to operate a hospital and are definitely related to patient care. The Medicare program should provide for reimbursement of its pro-rata share of these costs.

Reporting requirements and increased paper work have substantially increased as a result of the Medicare program. It would appear that increased Administrative costs necessitated by the Medicare program should be entirely reimbursed by Medicare. Such is not the case. Only the proportion of these expenses of Medicare to total patient days is chargeable to Medicare.

Cash flow problems associated with medicare

Hospitals generally experience a real cash flow problem as a result of slow processing and approval of Medicare claims. Although the Intermediary in Oklahoma has probably operated more efficiently than in some other states, there still has been a considerable time lag between the time the claims are received by the Intermediary and the time when final settlement is made. The cash flow problem has been alleviated somewhat with advance payments from the Intermediary. However, the continual adjustment of the allowance makes it most difficult to forecast cash flow. A more current processing of claims with attendant current reimbursement would be most helpful to projecting cash flow.

The cash flow problem is even more onerous because of the trend for hospitals to participate in debt retirement, principally in the form of revenue bonds. As a result of the cut-back of Hill-Burton funds, many hospitals are being required to set aside significant amounts of cash each month for debt retirement. In the Norman Muncipal Hospital, for example, it is necessary to restrict the first $19,333.00 each month for bond retirement obligations.

Because of the delicate balance between cash inflow and cash outflow in a hospital, it is most difficult to take care of cash payments that are not anticipated, or measurable, or material in amount. One such cash outflow may be a retroactive Medicare adjustment. Also, the fact that there is a considerable time lag between the initial filing of the Medicare report and the final settlement causes a hospital administrator to never quite know just where he is with respect to cash flow. If a formula could be developed which would adequately cover costs and provide for some degree of profit on a current basis, with no retroactive adjustments, it would be most helpful to the prudent administration of hospitals.

Utilization committee activity

The Medicare program requires periodic review of cases for Medicare patients by physicians other than the attending physician. Such a program is undoubtedly somewhat effective in curtailing unnecessary delays in discharging Medicare patients from the hospital. However, there appears to be very little incentive for early discharge from the viewpoint of the patient other than the 90 day rule. Since the Medicare program is a losing proposition for hospitals, any change that would curtail excessive Medicare patient days would undoubtedly benefit the hospitals as well as make the program less burdensome to the taxpayers who are standing the cost of the Medicare program.

Physicians serving conscientiously on Utilization Review Committees serve in a very difficult task without much praise for the work they are doing. When they are acting in the Utilization review capacity a way should be provided for them to be immune from Civil Legal action.

Hospitals have found themselves faced with rising labor costs, increased shortages of skilled personnel, and increased demand for its services and demands for improved services in the future. All of this at a time when hospitals, as institutions, are operating in a precarious financial condition.

Voluntary area wide health planning is a good thing for the hospitals of this country and the consumers of health care and it would seem that it should receive support from government and private groups to a degree greater than at present.

During the 1969 Oklahoma Legislature an attempt was made by the Oklahoma Hospital Association to tie planning to licensure by the utilization of a certification of need. Even though this attempt failed, this method or an improvement is essential in controlling speculative construction of hospital beds.

I think that on the whole the Medicare and Medicaid Programs have been a success in Oklahoma. The programs have rendered care and service for which they were intended. There is still the unmet need of the medically indigent not eligible for Medicare or Medicaid, the need for paperwork simplification of both programs, the placing of stewardship responsibility for the prudent use of facilities and services in some way to the patient and family, and the development of a prospective rate setting system rather than retroactive.

TESTIMONY OF MR. JAMES D. HARVEY, ADMINISTRATOR, HILLCREST MEDICAL CENTER, TULSA, OKLA.

My name is James D. Harvey. I am administrator of Hillcrest Medical Center, a 500 bed general hospital located near downtown Tulsa. Hillcrest also operates a 28 bed satellite hospital in Broken Arrow. It is a privilege to appear here to make a statement concerning questions of financing health care and a closely related subject, delivery of health care.

For a number of years we've heard about and talked about great changes being made in medicine and health care. Those of us who are connected with hospitals have been caught up in the middle of these changes. We exult in magnificent new ways to deal with illness and injury. The results *have* been truly amazing. For the most part in the Sixties, publicity on health care was centered more upon these kinds of accomplishments, e.g. transplants, implants, the pill—than it was on some of the more fundamental problems that hospitals face. Toward the end of the decade, as accelerated by the coming of Medicare, things began to change. The fundamental problems of cost and delivery became highly visible in the health industry. So today, it seems from my paranoiac viewpoint, that hospitals are objects of public attention, to say the least—public outrage, to say the worst.

Within this big change one of the greatest sub-changes to take place over a relatively short span of time has been the methods of financing health care costs. This is not often discussed in a public sense. It certainly is talked about a lot among the vendors of health services, however. Some of these changes have caused the greatest financial dilemma hospitals, in general, have ever faced.

Changing public attitudes towards health care have created part of this dilemma. The passage of the Medicare law marked a major shift in public policy. The law said, in effect, that every citizen has a "right" to the best medical care available and the citizens' ability to pay for such services has no relationship to this entitlement. Such a policy—although hotly debated for a number of years—is hardly opposed by anyone today.

Hospitals' concern revolves around the *method* of payment for patients in the Medicare category and its companion program, Medicaid. The Medicare program is all-inclusive in its applicability to citizens 65 years of age and over. There is no means test, nor is there pauper's declaration needed for eligi-

bility under Medicare. Since this is true, the *entire* population in the 65 and over category is covered—that's a lot of people.

Because there were formerly many persons in this category who were wards of the government in one fashion or the other, Medicare had the effect of giving "relief" to local governments (both at the state and county levels) by taking over one of the major responsibilities which local governments had, to wit, health care for the indigent. The immediate effect was one of great relief among local public officials and among some hospitals because suddenly more payment was being made for a given group of patients, although such payment—which was to be proven later—fell far short of covering the economic cost for taking care of these patients. Indigents do not comprise the total number of people 65 and older. Those who used to pay their hospital bills now, in Medicare, had a new guaranteed health program—this presented another loss to hospitals. As years of experience unfolded, hospitals discovered the insidiousness of the method of payment developed for Medicare and Medicaid programs.

As a matter of historic reference I call to your attention that Federal Government officials were predicting expenditures for Medicare at a level which turned out to be one-half the amount needed during the program's first year of operation. Health officials correctly predicted that the government's forecasts were too low. It really didn't take more than a pencil and a piece of paper to figure that out in advance. But the effect of this overspending caused forces in Washington to crack down hard on the reimbursement program, which only served to aggravate a bad situation. The result has been that an already bad reimbursement program was made worse by cutbacks. We yelled loud and long but to no avail. And remember, we hospital people were the ones who pointed out the financial shortcomings of the program in advance. It's ironic that we and our private paying patients are suffering the consequences.

During the first year of operation of the Medicare program, the use of hospital facilities among persons 65 years or older increased 15 to 20% more than the previous year—the increase in the second year was 14%—and hospitalization by people 65 and over is still increasing. This increasing activity is really much more than many hospitals are physically equipped to handle—both from the standpoint of their facilities and from the standpoint of available manpower.

Medicare is not the entire reason for hospitals needing to expand—but the *effect* of Medicare is what concerns us. As a result of the pressure to inaugurate construction programs, and because grants and philanthropy have diminished in proportion to hospitals' growing capital needs, hospitals are having to borrow larger amounts of capital required for construction. Local governmental hospitals have had to sell revenue bonds. In either event, this has had the effect of aggravating the financial operation of the hospital.

Pledging repayment on future earnings is a great temptation—particularly to taxpayers—the rationale is: "it won't cost anything unless you use the hospital." Unfortunately, recovery of funds can only be made through the billings hospitals generate on patients. So, the hospital bill must go up as a result. Current methods of financing hospital costs are inadequate, in my opinion, to meet these capital requirements. It gets a little 'scary' when one realizes that national capital requirements for modernization of hospital facilities amounts to fifteen billion dollars—and this is an estimate which is a year or two old. Is it no wonder that hospital administrators scratch their heads in wondering who is going to pay for this? There is no earthly way in which these improvements could be made entirely with borrowed capital under present reimbursement systems.

Ray Brown, a national hospital leader, made a statement not too long ago from which I quote, "In the decade between 1965 and 1975, the nation's voluntary hospital system will have to secure as much capital as was accumulated in all hospital history before that decade. At the same time, the hospital field is faced with an as yet largely unrecognized problem; a sharp dichotomy exists between its sources of capital financing and operating funds. In consequence, proper financial strategy is prevented as hospitals are forced to set distorted priorities in order to 'put (their) dollars where the revenue is'."

These conditions, when coupled with increases of hospital costs, paint a not-so-rosy picture. This is why so many hospitals which, when they modernize, do not embark on innovative programs for the delivery of health care but rather recreate the hospitals in the images in which they formerly existed. There is no adequate incentive whatever built into present hospital financing programs either on the capital side or on the operating side of the picture for institutions to develop new kinds of health delivery programs which might be either more comprehensive or more efficient or both.

The gist of my remarks is this: the health care delivery system as it exists today is not adequate to furnish health care to *all* of our citizens, who now claim it as a right. When people view health care as a right, something is bound to happen. What I fear is that we will develop a monolithic structure which would attempt to furnish health care to all citizens. The organizational implications of this are too horrible to imagine.

If we simply change the way we finance health care—adequately provide for and build in incentives for health institutions and professionals first to create facilities and train manpower to undertake new programs which would deliver care in different and more innovative ways; and second, adequately finance that which is offered—*then* hospitals would not be forced to recreate themselves in the style of the Fifties when they undertake capital construction or move to develop educational programs.

In a sense, public policy is contradictory. It declares on the one hand the right to health care for all citizens and on the other it preserves, through present governmental programs, old ways of doing business—when, in fact, the old way isn't adaptable to total population coverage. I think we have adequately proved that the way we used to conduct health affairs is not adequate to serve the two hundred million plus people who exist in our country today. Unfortunately, there has been a lot of talk about this—but very little action.

The place where action can really take place is in the United States Congress and the Executive Branch where sums of money could be appropriated on a large scale for programs in which the private voluntary sector of the health care field could be a cooperating partner by developing all kinds of wonderful new programs.

In the long run, this would save money in a number of ways. First, of course, is operating efficiency—causing patients to receive the kind of care they need as opposed to putting patients into an institution where everybody gets the same level of care, regardless of their need for it. In other words, develop a system whereby one pays for what he gets. But, before we do that, adequate capital has to be made available for the health care institutions, other providers, and educational institutions to develop their physical facilities to be able to do this—e.g. to take care of the horizontal bed patient, vertical patient (out-patient), the rehabilitative patient, and the home care patient. It will take a *lot* of money to do this. I would point out that representatives of the Federal Government have done a lot of talking in comparison with the *paltry* amount of appropriations allocated to such undertakings. In other words, we will have to spend money before we can expect to save any.

The second way money can be saved is through changing the reimbursement programs which are in existence (e.g. Medicare). The Federal Government must recognize that it has a broader responsibility in financing the health care of Medicare and Medicaid patients than is implied in the present method of payment. Health institutions have a monumental problem in having to discount hundreds of millions of dollars to the Federal Government at the expense, unfortunately, of the rest of the people who have to pay their hospital bills. I've said for quite a while that at Hillcrest if the Medicare and Medicaid reimbursement formulas were similar to the amounts paid by Blue Cross, commercial insurance companies, and by people who pay their bills privately—*we could decrease our charges to all hospital patients by 8% tomorrow.* This circumstance reflects badly on the Federal Government. If this reimbursement tangle could be solved, providers could then pledge themselves (and third parties could require this) to work in an integrated voluntary planning relationship so as to maximize the use of resources and eliminate wasteful practices. As it is, we have to scramble to stay alive—a situation which is a deterrent to cooperative planning.

In Oklahoma we have a good start in health planning but we've still got a long way to go. Adequate reimbursement will be a vital contribution to its success.

The third way to save money is to provide *comprehensive* financing for *comprehensive* care. During the Sixties there has been a lot more money made available for the classic hospital bed patient. I suggest that more money must be allocated to cover the costs for taking care of patients in all kinds of treatment facilities—including the home. There should be no bias connected with the place a person is treated other than that standards are being met. What difference should it make whether he is lying in bed in some hospital—or whether he is in a program which keeps him at home in order that he remains in a productive position in our society?

The old ideas about health insurance coverage have to be thrown out the window. The Federal Government and the state governments must recognize this fact as do insurance companies who are large purchasers of health care services. It's ironic that our financing system tends to cover the most expensive modes of treatment, while what proves to be better ways for many people are not covered.

It's human nature not to want to take that first step because it's into the unknown—but we've rapidly gotten ourselves into a position in this country that, in health care financing and delivery, anything is likely to be better than what we have now. I hasten to the defense of existing hospitals and professionals when I say this—they are in the cross-fire—and are still performing magnificently.

Also, I realize that many interests in our nation are competing for more money—the environmentalists—what they propose will have a long range impact on the health of the people—claim that what we are doing is just a small, insignificant gesture in addressing ourselves to the problem of purification of our environment. Transportation, space and housing, are all subjects involving proposed expenditures of large sums of money and there are others.

I feel that the cost-benefit ratio in health care dollars shows promise of being the highest of all potential spending programs simply because we already know the solutions—thanks to government-funded research—now we need the money to apply that knowledge gained so that the consumer may benefit.

Therefore, I say that our health care system requires massive doses of funds which will have to be appropriated for different uses, under different formulas than they are now. Only in this way will health care providers be able to do some of the things so many consumers are suggesting and for which so many researchers have already pointed the way.

We could sit here all day and parrot past utterances of national health leaders and governmental leaders—but there is very little we can do about it unless we have the wherewithal to follow through.

I've purposely avoided specifics because of time limitations. Be assured I'd very much like to participate in putting together new health programs which might be worthwhile. Although I speak from experience only in one hospital, in one city, from one state, the problems, I'm sure, are universal.

Thank you very much.

TESTIMONY OF MRS. RUTH S. AVERY, TRUSTEE, OKLAHOMA CENTER FOR COMPULSORY-ADDICTIVE DISORDERS, INC., TULSA, OKLA.

Oklahoma Center for Compulsory-Addictive Disorders, Inc. (Alcoholism, drug addiction, compulsive gambling etc.) a consortium of the Oklahoma departments of health, mental health, department of education, Oklahoma University school of medicine, Oklahoma State University, University of Tulsa, social agencies etc. with facilities of Tulsa involved within the two major cities would include hospitals, psychiatric foundation, Tulsa rehabilitation centers, clinics, children's medical center, Moton health center, Tulsa city-county health departments just to mention a few in Tulsa, with like institutions in Oklahoma City which would operationally be involved.

Basic clinical organization

Detoxification Center

The Central unit requiring hospital or clinical facilities. In the Tulsa situation, liaison between Hillcrest Medical Center and the Tulsa Psychiatric Foundation to receive from any source—Tulsa County, the State, the Interstate Region—depending upon whether this function will be shared by a comparable one in Oklahoma City Medical Center—which would be advisable because of the population concentration. It could, in each instance, be a part of existing clinical services. Strictly a professional organization, which would serve alcoholics, drug addictions, compulsive gamblers etc. and others in general category requiring inpatient clinical services. Twenty-four hour a day service is paramount so that no victim of a compulsive-addictive disorder will be unable to receive treatment immediately upon request. In Tulsa, the Moton Health Center functions under the Tulsa City-County Health Dept. Under the Okla. Health Planning Agency, statistics and records should be maintained in cooperation with the Health Dept. of the State: E.G.

a. How many people are suffering from a problem of this nature?

b. Who is servicing them?

c. What are the effective techniques available?

d. How many of these are being applied?

e. What is the age bracket span?

f. Are treatment facilities available for students? For working people?

g. What are the charges to the victim, or is there some place where those unable to pay can receive help free?

h. Is there some place where children under sixteen can receive help without their parents knowledge if they so desire it by applying in person at certain designated places to be dispensed under the medical supervision under the auspices of the State Health Dept. through the various County Departments?

i. Are live-in facilities indicated as a necessity?

j. How effective is the "Single System of Treatment and Care" recently inacted in California in this specific area; here there is a 72 hour involuntary detention, 14 day involuntary detention, and a 90 day involuntary detention under a conservatorship for persons who are, as a result of a mental disorder, or use of alcohol, narcotics of restricted dangerous drugs, a danger to others, or to themselves, or gravely disabled?

k. What services are available, and where can they get them? How are they treating them?

Under this basic plan, outpatient services may be shared by the coordination of the institutions participating.

Should a national health insurance plan ever be considered, treatment for all drug abuse should be one of the benefits.

Rehabilitation services

These services should be organized with respect to varying needs of the major clinical fields—alcoholics, drug addiction, compulsive gambling, etc. Today, many patients are "spree" users (multiple uses of alcohol and different drugs). Gamblers also are caught up in misuse of alcohol and drugs. Again many needs will be met by *reinforcement of existing services.* They need to be spelled out in terms of local resources in Tulsa and Okla. City.

A unifying effort to work the facilities of the two largest urban areas of the State of Oklahoma into a giant effort in this specific field would make it the only such effort in existence in the United States. The nearest one comparable is The Alcoholism and Drug Addiction Research Foundation, an agency of the Province of Ontario.

The establishment of such a "Center" here in the middle of the United States, in Tulsa, under the sponsorship of the OU Medical Center, coordinating assistance from Oklahoma State University, and functioning through Tulsa University, would be coordinating both public and private learning resources of our three largest Universities, coordinating research and having the potential cooperation of the three largest hospitals here with the greatest number of beds available in the State of Oklahoma. By Hillcrest, St. John's and Saint Francis coordinating their efforts to prevent duplication or overlapping in this specific field, it would provide a greater diversification of services with a possible reduction of costs. Since recidivism of Lexington and Fort Worth is so high, perhaps it might be worth while for the Federal government to contemplate an innovative approach utilizing but reinforcing present public and private institutions which are producing better results. The methadore blockade treatment seems to be gaining much support, and in reducing the crime rate in the areas where it is being used, as statistically stated in the news commentator's remarks, perhaps this type of treatment might be considered as a better approach than through the imprisonment of the sick victims of heroin addiction. Free treatment of this nature would of course have to be under the State Health Department, with basic funding perhaps coming from the Federal government.

Services would include in the rehabilitative sector a continuation of medical, psychiatric, psychological, social service and specific vocational testing, guidance and training, as well as work placement. Intergrading steps in study and treatment should be available throughout the entire system. Rehabilitation should include specialty opportunities such as "live-in" facilities, and the "Anonymous" organizations—A.A., D.A.A., G.A., Tops, etc. Youth oriented organizations and out-reach groups such as "The Paseo Center" in Oklahoma City, "The Pad" in Tulsa, Coffee Houses operated by volunteer organizations and churches could assist greatly in getting victims of the drug scene into the treatment and rehabilitative system.

Professional training

The existing educational and training services in the various professional fields can be utilized in the training of competent younger professionals as specialists in the general field of Compulsive-Addictive Disorders. Inservice training for public welfare, public health and public agencies could be given by professionals in the field. Training of teachers, law enforcement officers, youth leaders could be concentrated in the University credit courses in Tulsa. This has already been incorporated into the curriculum under Dr. Barry Kinsey, head of the Department of Sociology and Anthropology, and specialist in this field of drugs as well as alcoholism.

Research

Perhaps in the field of life sciences, there might be an answer if diligently pursued toward finding an answer to this problem in human behavior. In London and in the State of Oregon, success has been mentioned in the using of electric shock through the Pavlovian system in cigarette smoking in England, and in the turning off the desire of the "Needle Freaks" in Portland.

Finding out through psychiatry, psychology, sociology, or through religious experiences what can or does affect or move a human being to cause the acceptance or rejection of these various forms of "crutches" in the living experience, particularly prevalent during times of stress or when problems arise is one which will take time. Compiling in one place detailed information relative to results of the various systems and methods used of research used, the results obtained, and the prognosis for its effectiveness would be most helpful. Collecting information from the various research fields would facilitate getting started, and maintaining follow-up files on case histories would be necessary for evaluation. Providing publications in this field backed up by sufficient research is foreseeable. Through uncontradictable data through research and public education on facts can do more to prevent the building up of this "pollution of the mind" in the philosophy of living.

Prevention

Utilization of all agencies in the community, schools, churches, character-building organizations, welfare agencies, combating the "defeatist" outlook, particularly in the economically depressed addicts and abusers, can unite to coordinate their efforts in bettering the living conditions which accelerate this behavior. One doctor stated "Drugs are a people substitute." By understanding and genuine concern, perhaps people caring can help a great deal to stem the flood of drugs which are engulfing our youth. Removing victims from the criminal-justice arena, and into the socio-medical surroundings, perhaps we can heal the sick instead of punishing them for their illness. Training in the public schools from kindergarten through high school is being undertaken in the Laredo, Texas school system under a grant of HEW. The curriculum has been written by instructors at the grade level where it is being taught, and done in a matter-of-fact manner by studying Drugs, Use and Abuse, along with their other subject matter.

By working with the law enforcement agencies and the state legislature to help them in perspective relative to the over-all program would be advisable. Their cooperation and greater knowedge of the subject can be most valuable. The Oklahoma Center for Compulsive-Addictive Disorders could help reinforce their activities.

Public education

A high priority should exist for the dsemination of reliable information in the field. Even professionals can be misunderstood when they contradict each other. This done, on the part of authorities in the field, causes the lay people to become muddled,

their vision obscured, and all efforts, even well-meaning ones, become fumbled.

The proper use of television is a must! Parading victims being arrested for their illness, even the law-breakers, cannot accomplish as much as parading the big dealers in drugs who are in the scene only for the big money made. Discouraging advertising which glamourises the product does not help unless this is done nationally by the government. The National Institute of Mental Health has been helping by utilizing the media most advantageously pointing out the hazards. Radio can be most helpful. Newspapers can be invaluable, plus various professional organizations such as the Mental Health Association and others. The Oklahoma Center could collect information and disseminate it to the public, serving as a clearinghouse. It would assist in coordinating services to be sure that they were adequate, and to prevent duplication and a scattering of forces in servicing the field.

Proposed strategy—Clarify the total field of service

The achievement of The Vision of Service is primary, but the total program cannot be built overnight. Therefore, a system of priority phases should be determined . . . e.g. the immediate organization in existing services of detoxification opportunities beyond present status, and as an interim program to a more replete service. What then should be goals of service as to reasonable expectation of implementation?

A down-to-earth evaluation of operations: personnel, salaries, facilities; what would be the ideal situation as to an overall program (intrastate and interstate involving federal participation), what is possible *now*, and what can be expected within two years? This involves the principles of "shared operations" and "shared budgets".

A planner would be necessary to pull this all together, to survey what is available in the State of Oklahoma in this field. What services could be translated dollar-wise as available for the "Center" from the encircled two urban areas of Oklahoma City and Tulsa, prepare it for presentation in a Balance Sheet form, presenting all the assets in the State as of right now, when implemented, and the goal sought as compared to what is required to make it a success. By being sure that what the state provides exceeds what is being requested from the Federal government, would keep Oklahoma in control. Should the Federal Government see that this could well be a pilot program, this coordination and consortium might successfully also work elsewhere, justifying that "seed" money for its conception might be federally financed.

As "One Oklahoman Dreams" of the great potential involved in uniting two young giants in our State toward a mutual goal to feed out from the urban areas, and even beyond in a foreseeable regional program, is it such an impossible idea? Such are the thoughts of a layman in the fields of medicine and education.

Senator HARRIS. Are there any others here who would like to have their presence noted or who have any additional statements they would like to make.

TESTIMONY OF MR. E. L. MALONE, JR., EXECUTIVE DIRECTOR, KIDNEY FOUNDATION OF OKLAHOMA-SOUTHERN KANSAS

I represent the Kidney Foundation of Oklahoma-Southern Kansas. We are concerned with the staggering costs of any patient who contracts a form of kidney disease which leads to failure of this vital organ to function. When this failure occurs, a patient is faced with overwhelming financial burdens which insurance, savings, and other private resources are hard-put to support.

Since it is my understanding that this hearing is called to document the high cost of medical care, I have come to introduce some data which is widely known in medical circles, but which may need to be shared with the Committee. The Subcommittee on Health of the Committee on Labor and Public Welfare of the Senate received much information of this sort in February of this year. Some of the testimony I re-submit in this context.

Dr. George E. Schreiber, President of the National Kidney Foundation, reported that 8 million Americans each year contract diseases of the urinary tract. Of these 8 million, approximately 56,000 progress to terminal uremia and die. The number is costly because they represent a loss of income to the nation amounting to an estimated $1.4 billion annually. If dialysis and transplantation were available to these people, as it is to only ten percent of the possible candidates, the nation's economy would benefit, not to mention the families of those who are lost.

The Wall Street Journal, May 7, 1970, describes the problems faced by one family with better than average income. When their daughter was stung by a bee, she developed a toxic condition in her kidneys which progressed to nephrosis. In the course of 21 months the family ran up medical and related bills totalling $57,794. Her doctors say she faces four more years of costly medical care before she can return to normal life.

Related to the experience of this family, the Johns Hopkins Hospital reported to a Wall Street Journal reporter that one 16 day stay in hospital brought costs of $1,286.45, or an average of $80.37 per day. These costs are about average for hospital care across the nation these days, said the hospital authorities. The patient did not receive surgery, but was admitted primarily for a check-up, with medication and routine services.

Facilities for treatment of kidney disease are far in advance of the ability of patients to afford them. Cost of an artificial kidney machine for dialysis of a patient at home runs about $4,700. Each of the twice-weekly treatments makes use of materials costing $25-$35. Whether treatment at home or in a dialysis center is employed, the costs are heavy. And while waiting for a donor kidney for transplantation, the candidate must be dialysed twice each week to stay alive.

These costs represent present day expenses. They are less than the costs ten years ago when the treatments were new and rare. As use increases the costs are reduced. But to make greater use of hospital facilities today requires some kind of financial support beyond the means of single family units, no matter how well off the family may be.

The Kidney Foundation of Oklahama-Southern Kansas is a new agency in the medical and health field of this area. We include a large number of physicians and lay members in Oklahoma City, Tulsa, and Wichita. We are spreading our membership slowly throughout the state hoping to provide some support for the treatment and recovery of kidney patients. We hope that we can move fast enough to save some lives of our citizens with voluntary support. But the needs are so great that we must mobilize the resources of our whole society to meet the challenge of health service which is fast moving beyond the resources of individual families.

Senator HARRIS. Thank you. This has been a particular interest of mine, as you know, among other interests. Dr. Schreiner and others who have pioneered in the field have been and are friends of mine. I recall one time several years ago I was holding hearings in Oklahoma City on the development and use of biomedical knowledge, and a lady who had heard about the hearings came down from Kansas. She was a young lady, looked to be under 25. She said that she and her husband had two young children; that he suffered from some type of kidney failure; that he would die very shortly unless he could have regular access to an artificial kidney. The nearest one available to him was in San Francisco and he was, I believe, nearly 300th on the list. Therefore, unless some other provision was made for him to have access to such a device—which we know how to build and there are some but they're in short supply because of money—he would die. Unless the Federal Government spent the money to provide additional such devices he would die. That seems to me is a rather dramatic presentation.

Senator HARRIS. Lorraine Haynes has furnished a statement consisting of a letter which Representative Roger L. Smithey received from Mr. Lloyd Rader in regard to an aspect of the problem of financing medical care—a problem not now covered, and that is the replacement of teeth, and payment for such items under the present law. It will be made part of the RECORD.

OKLAHOMA PUBLIC WELFARE COMMISSION,
Oklahoma City, Okla., May 13, 1970.

Hon. ROGER L. SMITHEY,
State Representative,
Tulsa, Okla.

DEAR SMITHEY: This has reference to the telephone call of May 12, 1970 regarding contacts you had had from Old Age Assistance recipients who were having problems insofar as having their teeth removed and the replacement of the same. You were interested in knowing if there were any provisions under the Medical Care Program to provide for such cost.

Under Section 18.62 of Public Law 89.97 the following statement is made, "(a) Notwithstanding any other provision of this title, no payment may be made under part A or part B for any expenses incurred for items or services—

"(12) where such expenses are for services in connection with the care, treatment, filling, removal, or replacement of teeth or structures directly supporting teeth."

In view of the fact that Title XVIII of the Federal Social Security Act has specifically excluded the replacement of teeth, we will not be able to make payment for such items.

We appreciate your interest in this matter.

With best regards, I am

Very truly yours,

L. E. RADER,
Director of Public Welfare.

JOHN T. FORSYTHE, M.D., of Tulsa, Okla. On the kidney matter, was it said that this was not available to the people in Oklahoma? Are we implying that this is not available?

Senator HARRIS. My point is this: I think it has been rather clearly shown that there are far more people who need such care than are able to get it now. I don't mean just in Oklahoma; I mean in the United States.

Dr. FORSYTHE. It is my understanding that the incidence of people that now need this is approximately one in 100,000.

Senator HARRIS. I don't know what the percentage is.

Dr. FORSYTHE. I think in Oklahoma we have this availability.

I am John Forsythe. I am a radiologist.

Senator HARRIS. I appreciate your statement, Dr. Forsythe.

Dr. DENYER. I'm Dr. Denyer of Bartlesville. We had one of those in Bartlesville. As a matter of fact, we still have one but for the moment we're without a man to operate it. We still have it and there's one in Oklahoma City. And the big problem is that the supplies to operate the thing are about $250 a time. That's just part of the problem. We hired a team of seven people for quite a long period of time to render such care.

Senator HARRIS. As I indicated awhile ago, it's a very serious kind of moral question: who lives and who dies. And all of us make decisions about that consciously and unconsciously.

Dr. COTNER. I'm Dr. Norman Cotner and I'm from Grove, Oklahoma. I'm a guest of Dr. Ed Calhoon, President of the Oklahoma State Medical Association. I made some notes

and listened to people present their case very strongly and I reached two conclusions. Number one, medical men and health care people are putting out all the services that are keeping you alive. We're tired; we're worn out. We work harder; we see more people; we don't take vacations; we see our families disintegrate under these circumstances. We see patients day and night and are always interrupted by people's problems. We want you to know that we're working. If somebody wants to pay the bill and send people out there to help us, we'd be happy to have it.

We're going to be down there looking after people. We're going to be doctoring folks as long as there's a line. And we don't want some labor union here saying that we won't do it because we do it every day. And we work hard at it. Some pay us and some don't. We'll look after the treatment of the sick if someone will look after the payment of their bills and those things. Now we have poor people who come into the office and get care and don't worry about paying. The Indians have a physician who has been in Delaware County for eleven years with 16,000 to 17,000 people in that county; and there have been many times he was the only doctor in that county. But we look after them, some way or another. And the Indians don't like to go to the Indian hospital. They wait until they get too sick to reach the Indian hospital and have an emergency and come to one of the local hospitals. And we have to look after them. You talk about all these drug bills. Nearly every drug company that puts out a critical drug will give that drug free if they'll ask for it. Most drug companies have forms and you fill them out and the druggist will fill the prescription and the drug company will replace it. So you hear a lot of emotional stuff about how poor people are being treated.

Senator HARRIS. Surely, Dr. Cotner, you don't believe that for everybody who needs drugs and can't afford them, they would be provided free by those who manufacture them?

Dr. COTNER. I believe they would down in Delaware County. The doctor gives them to them or the hospital gives what we get in samples. There are tons and tons of samples. If they would organize the catalogues—they are more filled with trash than the people would ever use. (Laughter.)

Another thing I'd like to stress is about hospital costs. They say it's such a good deal. I tell you if it were such a great deal, Conrad Hilton would be in it. That's all I've got to say about it.

These are thoughts that were developed by my office girl who knows something about the program and the accounting and everything. Our county has eleven federal employees to tell the farmer how to fill out the forms to get his payment for the land he's letting out, for the soil bank. He has to know when to plant, when to hoe, when to plow, and when to mow. (Laughter.) But once they have to figure out how to process all of these papers relative to his retirement, and his Medicare, and his welfare, and social security, they come to the doctor's office. (Laughter.) But they have all these people for the soybeans and everything, but no one to help these poor people process their papers for their health. You'd think that you'd have some people in the field to help in some way to educate them because they just don't understand. I know that doctors have told me that there isn't any way they can explain Medicare to their patients who are on it. The explanation of benefits received from the Medicare carrier, Aetna, still confuses people. Most of them don't understand how to read them and they end up bringing their problems to the doctor's office for explanation. My secretary says, if the government is going to help people by having these health programs then why don't they pay full, reasonable charges instead of having these ridiculous deductibles and co-insurers? These insurance companies are selling supplementary insurance policies to these poor, elderly people who think these insurance policies pay everything Medicare doesn't; then much to their sorrow they find the policy is designed to help fill the gaps in Medicare and doesn't do it. If a person who has had heart trouble for twenty years goes into the hospital, these insurance companies don't pay anything. The elderly person is confused; he thinks everything is taken care of.

Mrs. MARKETIC. I'm Nadine Marketic. I noticed on television that you were going to be here. I don't have anything prepared and haven't thought too much about it because I'm a chiropractor's wife. And we have patients coming to us almost every day wanting to know if Medicare would cover their care. We have to say no. And, then again, we have them coming to us after they've been the whole medical route, and they don't have any money. But still they need some sort of help. I know many of our patients have written to you to support chiropractors inclusion under Medicare. What have you found out or what conclusion have you come to?

Senator HARRIS. We're going to have some hearings on that bill that has come over from the House. It has provision in there about a study, I believe.

Mrs. MARKETIC. May I ask you one more question? What avenue are you following to get information on this type of health care?

Senator HARRIS. Chiropractors are doing pretty well about keeping me informed with letters and so forth. Do you know what provision there is in this bill that has come from the House?

Mrs. MARKETIC. No. I really don't.

Senator HARRIS. I don't either.

Mrs. MARKETIC. I just heard you were going to be here and with such short notice . . . chiropractors being in the health field should be taken into consideration. If you really want to hear from the people I thought we should be notified. I'd like to call on one patient and let you hear what he has to say.

Mr. GEORGE S. RICHARDSON, of Sapulpa, Okla. My name is George Richardson and I'm from Sapulpa. I want to talk just a minute. I don't have anything planned. I want to tell you about an accident I had in 1939. I had a car accident and broke a leg. I was in a hospital and the good doctor that I had had to leave and go to New York City for special training. He left me with an intern. Of course the intern, as soon as he came on the job, I commenced getting better. It just stopped the pain. They had a splint on and, of course, the good doctor kept it tight but this other doctor loosened it. As I went on it got better and he put a cast on and sent me home. I had this cast for six or eight weeks and the local doctor came out and took the cast off. I got over that and then I had cast after cast from the doctor. All my finances and everything were gone and I was in debt. I had a job and finally got back to work, but couldn't make very much. We got along until later. In 1946, I was retired from the oil company. I was doing carpentry work and fell from a house on to concrete. We're getting along pretty good but my income is social security only. We live on that and my wife keeps the home going and I try to keep the yard going. I fell off the house and was in the hospital. I was in two weeks and three days. The doctor discharged me and said I was ready to go home. My wife was not able to take care of me. Since then I haven't been able to do anything. But the finances for drugs and doctors are so high I can't reach them. I went to Dr. Marketic and he's got me going and you can see how I am now. In a few days I will be 89 years old. I just wanted to tell you that it is Dr. Marketic who brought me out of it. I'm getting along pretty good. But it is expensive.

Senator HARRIS. Again, I want to say I am grateful to those who have taken so much time to be here. We've had some rather sharp disagreements on some things and some rather broad agreements on some things; that's not surprising when we are talking about something as important as health. All of us as human beings have certain rather basic concerns. One is: what sort of education is my child going to have? What sort of future will he have? This is a legitimate and very basic concern for each of us. Another legitimate and very basic human concern is: what is going to happen to me when I get old? When I get to an age when I can't work any more, what's going to happen to me? The third concern is: what is going to happen to me if I get sick or hurt? Those are among the very deepest kinds of human concerns. And you and I must do our best to make those fears less fearful, one way or another.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The chair lays before the Senate the unfinished business which will be stated by title.

The BILL CLERK. Calendar No. 1020, H.R. 17123, a bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, 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.

LET US AVOID UNREALISTIC DEFENSE CUTBACKS—THE SOVIET UNION AND COMMUNIST CHINA CERTAINLY ARE AVOIDING THEM

Mr. BENNETT. Mr. President, we have now started consideration of the military procurement authorization bill. I was most interested in the recent remarks made by the distinguished chairman of the Armed Services Committee (Mr. STENNIS) under whose auspices this legislation is so ably prepared for floor action. As usual he and the committee have gone to great lengths to insure efficient and adequate defense for the American people.

Mr. President, we are considering this bill at a time when every American is

vitally concerned with the rapid and responsible reordering of our national priorities. One of the foremost questions we are asking is "What should be the nature and posture of the American defense structure in the 1970's?" I should like to discuss briefly some of the thoughts that have been going through my own mind concerning this question.

Our foremost priority as a nation is the security and defense of our people and the unexcelled system of values and liberties which we enjoy. We have consistently, at least until recently, spent more than 40 percent of our Federal budget in an effort to achieve and maintain those objectives.

These efforts have been primarily for our own security but also partially in response to voluntary commitments the Congress has made in response to requests that we help others to assure their security in the various parts of the world.

The defense structure we are building in this decade will necessarily be different than the one we have maintained in the past, because the threats we face as a Nation are different than they have ever been in the past, both in terms of the potential circumstances in which defense may be needed and in terms of the types of weapons systems and the optimum patterns of military organizations.

Unfortunately, our defense policies during the past 10 years have allowed the Soviet Union to achieve parity, if not superiority, in the fields of nuclear weapons and delivery systems and to expand their military presence into new areas of the earth. We must now ask ourselves what affect this has on our ability to deter a nuclear war and to defend the great cities of America from utter devastation, especially in light of current attitudes and recent actions of our professed enemies in such areas of the world as Southeast Asia and the Middle East.

In this age of potential instant destruction, we have come to rely—possibly even stake our very lives—on the phenomena of nuclear stalemate and mutual deterrence. Because there is so much at stake we must be alert and conscientious in our efforts to develop and build any capability which might avert a senseless nuclear holocaust. Every possible effort should be made to achieve a world condition where such an occurrence would be virtually an impossibility. I sincerely hope that the SALT talks can put us solidly on the road to such a happy condition. But the reality of the world situation today is such that we must maintain strategic and technological parity, if not superiority, in these fields.

We are also confronted by a highly volatile and unstable world situation. We must ask ourselves to what extent we wish to influence those processes and forces which are operating in the world around us in hopes of helping to create a society of nations in which all the peoples of the world can develop in peace, and determine their own national courses for the future with minimal foreign intervention or coercion.

For a number of years we have given security commitments in various parts of the world with the foregoing objective in mind. We have made mistakes but we have also learned a great deal. As we begin better to understand and cope with some of the major problems which confront the developing world such as: poverty, economic development, population, nationalism, security and political instability, we will be much better prepared to aid our struggling neighbors. The interesting trip I took to Seoul, Korea, in April of this year to attend the third annual meeting of the Board of Governors of the Asian Development Bank was most encouraging in this regard.

President Nixon has demonstrated his concern for a responsible reevaluation of the nature of our past worldwide defense commitments and the need for a well-designed transition to a posture more in keeping with the contemporary world situation. He has said that the practice of "permanent welfarism" on the part of some allies who selfishly rely on Uncle Sam's power must change markedly. "If the other nations of the free world want to remain free, they can no longer afford the luxury of relying—primarily—on American power." The Vietnamization of the war in Indochina, I feel, is the responsible road to achieve that objective.

War itself has become much more political in nature; and as such, the style of each war conducted in different regions of the world reflects more and more the political styles and problems of the States in those regions. If we are going to continue to aid in defense against the forces of oppression, subversion, and disorder abroad in an effective manner, our defense capabilities will have to demonstrate sufficient flexibility to meet individual challenges appropriately and efficiently.

Mr. President, in the forthcoming debate on the military authorization bill, the Senate will attempt to find answers to the questions which I have briefly raised and the many others concerning our defense requirements. Due to the rapid change going on in the world and the unsettled conditions we find in it, these solutions are not going to be simple. The importance of this task cannot be overestimated.

Much of our debate will be a question of degree and a problem of semantics steeped in political manuvering and rhetoric as we attempt to arrive at workable definitions and solutions. To do this job correctly, we must competently evaluate the situation confronting us.

What is the situation confronting us? Unfortunately, while there is a pressing demand in this country for reduced military expenditures, the Soviet Union and the Communist Chinese are going in the opposite direction. We are being challenged on the high seas by the Soviet fleet and by its ever growing submarine forces. The Russians have penetrated the Mediterranean and Middle East to a point where NATO interests are seriously threatened. The Soviet naval position is being extended into the Indian Ocean and to Southeast Asia. Moscow continues to build its SS–9 missiles at a rapid pace. They have now acquired nuclear parity with the United States, and the prospect of Soviet nuclear superiority is becoming a distinct possibility.

The security of the free world since 1945 has depended upon American military power. I believe those who are now demanding drastic, unrealistic cuts in our defense expenditures are conveniently ignoring the threat that grows almost daily. Unfortunately, Mr. President, the missile gap which President Kennedy often referred to in the 1960 election, which he later found to be erroneous, may now become a reality. If the recommended drastic cuts are made, I predict the American people will wake up one day and realize that the United States is a second-rate military power. I don't think it is necessary, however, and I urge the Senate and the Congress to stand by the President and provide the necessary defense in the years ahead. This includes the ABM system as recommended by the President. This includes necessary improvements in the American fleet and where necessary, improvements in the air defenses.

I believe we have retained our freedom because we have been willing to pay the necessary price in defense. It is clear to me that where there is a soft spot or a political or military vacuum, the Soviet Union will probe it and fill it if possible. We are at a crossroads and I hope the Congress will have the wisdom to make the necessary hard decisions.

I think the Armed Services Committee has shown that wisdom, and I will support its judgment and its program.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

FITZHUGH PANEL REPORT DISAPPOINTING ON DEFENSE PROCUREMENT

Mr. PROXMIRE. Mr. President, the Presidential Blue Ribbon Defense Panel, known as the Fitzhugh Commission, made its report public yesterday. Some of its findings with respect to the organization of the Department of Defense and the role of the Joint Chiefs of Staff were widely reported in today's press. The portions dealing with military procurement and weapons acquisition, however, have not yet received very much attention. Since they relate directly to the bill now before us, I wish to provide the Members of the Senate with my impressions of this part of the Blue Ribbon Panel's work.

Before commenting on the substance of the report, I want to acknowledge as a Senator and as a citizen the effort that has gone into this project. Many dedicated people put long hours into it, and some without any monetary compensation, such as the distinguished chairman of the Board for Metropolitan Life Insurance Co., Mr. Gilbert W. Fitzhugh, who served as chairman of the Panel.

DEDICATED MEMBERS

Though I am going to be very critical of the recommendations made by the Panel, I want to say that Mr. Fitzhugh is an outstanding American. He heads the second largest corporation in the country, and has attained a splendid reputation in the insurance field. He undoubtedly made a great sacrifice in devoting a whole year in the prime of life, to this Panel. So I think we should not simply speak in criticism of men who perform such services.

Yesterday in the New York Times there was an excellent biography of Mr. Fitzhugh and the remarkable career he has had and the fine job he has done in the insurance business and the splendid personality he has. So these men should be congratulated and thanked for their work. I do not intend any personal criticism of the individuals involved in the study by the remarks that follow. Again, my special concern has been with military procurement. The portions of the report dealing with other subjects have been highly praised and from what I have been able to learn so far, this praise is well deserved.

HOW OBJECTIVE

I would first point out that I have been skeptical of the ability of the Fitzhugh Commission to do its work in the area of military procurement with complete objectivity. I have shown that the Panel was loaded with defense-oriented members and that the staff director was an employee of the Defense Department.

As a matter of fact, I pointed out on the floor the other day, when the Panel was mentioned by the distinguished chairman of the Armed Services Committee (Mr. STENNIS), that at the time the Panel was appointed a year ago, eight of the 15 members of the Panel were up to their necks in defense contracts, were either heads or top officers in defense contracting firms or firms which had enormous investments in the defense industry. Their average investment in defense industry was over $100 million. Of the remaining seven members of the Panel, there was a former professional football player, a very fine man, but a man without much experience in economics or in this area, and an attractive and fine lady was appointed to the Panel. Two members of the Panel who it seemed to me could give it objectivity and competence resigned during the course of the year.

So, altogether, the membership of the Panel would not inspire faith that they would arrive at an objective, critical view of procurement.

HEAD STAFF MAN PAID BY DEFENSE DEPARTMENT

The skepticism was especially underlined when it was announced that Mr. Buzhardt, an employee of the Defense Department, who continued to draw his pay from the Defense Department while serving on this Panel was the staff head. Mr. Buzhardt is staff assistant to Assistant Secretary of Defense Robert Froehlke, and, of course, it would be unlikely that Mr. Buzhardt would be driving for a report that would be very critical of the operations of the Defense Department under the people who were paying Mr. Buzhardt.

Given this makeup, I expressed my reservations in several speeches of the capacity of this study group to really delve into the deep-rooted problems of defense contracting and the incestuous relationship of the Pentagon with the defense industry. It is my sad duty to report that my reservations were more than justified.

The part of the Fitzhugh report dealing with defense contractors is a self-serving document designed to preserve the status quo of military-industrial relations. While it goes so far as to admit the obvious shortcomings of the present system, it glosses over the more critical issues and provides a series of recommendations which are either platitudinous, redundant, or regressive.

Let me comment specifically on some of the major procurement findings of the report.

FAILURE TO SPOT CAUSES OF OVERRUNS

While the report readily admits that "military hardware development programs continue to be plagued by the now-familiar symptoms of trouble: First, major cost growths or overruns; second, schedule slippages; and third, failures in performance," there is an almost total failure to confront the underlying causes of these problems.

For example, the Commission seems to believe that the way to solve the problem of the cost overrun is, first, by recognizing the "inherent limitations" of cost estimates. According to the Commission, technological uncertainties make it impossible to completely overcome the limitations of cost estimating techniques. Therefore, it concludes, original cost estimates should be considered only as the initial baseline and as more knowledge is gained, these estimates should be revised and the new baseline established and incorporated into the selected acquisition reports.

I find this argument an indication of the Commission's unwillingness to face the hard and unpleasant facts of life with regard to military procurement. The problem, in the opinion of the Fitzhugh Panel, is that original cost estimates tend to be lower than final costs. That is not the problem. The Subcommittee on Economy in Government of the Joint Economic Committee has heard much testimony on this point over the past 2 years. The fact is that cost estimates often are lower than they ought to be.

INITIAL COST ESTIMATES TOO LOW

In other words, there is a calculated effort on the part of procurement officials and contractors to make a cost estimate which they know they cannot deliver on, which will make the weapons system seem attractive at the cost which they estimate for the Congress. In this way they tend, of course, to insure that they will get their weapons system authorized, even though the cost may be excessive.

We have been told by several experts that management could control its costs if it wanted to, but that it either does not know how or does not want to do so.

GUESSTIMATES

To conclude that this is a problem of "the inherent limitations of cost estimates" is equivalent to the justification of cost overruns used by the distinguished Senator from Mississippi (Mr. STENNIS) the other day. My distinguished colleague, the chairman of the Armed Services Committee, remarked to me that original planning estimates cannot be any more than a guess. With all due respect, I must deplore this kind of reasoning. It merely provides an escape hatch for the Pentagon and the defense contractors to crawl out of when the costs exceed by millions and sometimes billions of dollars the original planning estimates. These estimates are presented to Congress in terms of certainty, not with doubt or hesitation, when the Defense Department comes before this body and asks us to authorize and appropriate billions of dollars to initiate new weapons programs.

WITHHOLD FUNDS FOR GUESSTIMATES

If the cost estimates are inherently defective, if they are no more than guesses, then the Congress has no business permitting the expenditure of the taxpayers' money. If the estimates are defective and are no more than guesses, then there is no way to hold the Defense Department accountable to the public except not to appropriate funds until we can be provided with reasonably accurate and reliable cost estimates.

PROPOSAL TO REWRITE HISTORY

The recommendation by the Fitzhugh Panel that original cost estimates should be revised for the purposes of the selected acquisition reports is most disturbing. This amounts to a recommendation to rewrite history. An original planning estimate is an original planning estimate, and to later revise it is to tamper with it and to reconstruct the truth. If we followed their advice, the $2 billion overrun on the C–5A would have been swept under the rug. They proposed a program to whitewash the Pentagon rather than to solve the problem.

The Commission's discussion of the industrial site of defense contracting is almost totally inadequate. It does concede that in some cases there are unwarranted buy-ins by defense contractors, but it makes no recommendation to take effective action against the buy-in, or which will have the effect of eliminating the problem in the future.

FAILURE TO MEET BUY-IN BIDDING PROBLEM

What should be done in the case where a defense contractor has intentionally bought into a program with an unreasonably low bid, or with other misrepresentation? Is there no way to take legal action against such deceptive practices?

The Commission's recommendations are that contractors should "accept a more responsible role as management members of a defense development team, and provide the Government with the benefit of greater objectivity." It also recommends that the practice of providing Members of Congress advance notice of contract awards should be discontinued.

MOTHER AND APPLE PIE

Well, contractors should be more responsible. Everyone should be more responsible. The Defense Department should be more responsible. We all know that Congress should be more responsible. But, having said that, and being in favor of motherhood and apple pie as well, how will these platitudes solve the problem of the buy-in and other deceptions?

It may be a good idea to stop giving Congress advance notice of contract awards, but that action will not have the slightest impact on the problem of political favoritism or pressure in contract awards. Here the Fitzhugh Panel offers a mild, half-hearted solution—I should say no solution—to a critical, full-blown problem.

BAD RECOMMENDATION ON INDEPENDENT RESEARCH

Perhaps the most obviously shortsighted and industrially oriented views are contained in the discussion of independent research and development. For a year, the General Accounting Office, myself, and others have been pointing out the tremendous absence of control over and irrelevance of independent research and development. These funds are spent without contractual safeguards, mostly by the giant aerospace contractors, and for purposes which are often not even remotely related to national defense. The Senate Armed Services Committee deserves great credit, because it has made recommendations in its report and in the pending military authorization bill, which recognize some of the difficulties with I.R. & D., and would place a ceiling on expenditures in this area.

Yet, the Fitzhugh Commission blandly reports that the potential benefits from I.R. & D. are inhibited by "recent attempts in Congress to limit recognition of I.R. & D. costs as recoverable overhead in Government contracts." This part of the report could easily have been written by any of the aerospace industry lobbyists, who have been saying the same thing for many months.

LACK OF COMPETITION

Congress for many years has wrestled with the absence of competition in defense procurement. Competition in defense contract awards is a public policy, incorporated into the law, but a policy that is consistently violated. Competition accounts for only 10 percent of the total dollar amount of military contract awards. The rise of the negotiated contract has brought about a loss of objectivity in making contract awards, and it certainly has resulted in higher costs. Although no one who has studied military procurement would insist that all contracts should be competitive, it is clear that much more competition could be obtained through intelligent and honest Defense Department policies and practices. We have found that the Defense Department systematically discourages competition, and actively encourages further concentration in the defense industry. If anyone is not familiar with the problems of overconcentration in negotiated contracts, one need only look at programs such as the C–5A.

Typically, the Fitzhugh Commission's approach is not to try to solve this problem. It does not squarely face the abuses of negotiation and the excesses of overconcentration. Rather, it suggests that the law be changed, and that the policy of competition be modified to accommodate those who do not adhere to it.

PROCUREMENT A MINOR SECTION

Mr. President, I urge my colleagues to obtain copies of the Fitzhugh report if they have not yet done so, and to read carefully the section dealing with military procurement. Incidentally, that is a very short section and it takes only a few minutes to read it. The report itself is a large report; as I say, it deals with many other subjects, and would take considerable time, but reading the procurement section can be done in a few minutes. And I might say about that section that under the guise of proposed reform, the blue ribbon panel has undertaken to simply legitimize much of what is wrong with defense contracting.

NEW SLOGAN—OLD POLICY

I would add one final comment. The report recommended that in the future a "fly before you buy" policy be adopted in the procurement of military hardware. Secretary Laird has already announced adoption of a policy of developing prototype weapons and making sure they work before committing the Government to production, and has given credit to the Fitzhugh panel for pushing this constructive proposal.

At the same time, it needs to be pointed out that within the past year, the Department of Defense has awarded four major multibillion-dollar aircraft contracts. These were for two fighter aircraft, the F–14 and the F–15, an antisubmarine warfare aircraft, the S–3, and a new bomber.

In all probability, these four represent the bulk of the major new aircraft programs for the remainder of this decade.

WHY NOT "FLY BEFORE YOU BUY" ON NEW PROGRAMS?

In view of the fact, Mr. President, that these represent the aircraft that the Defense Department will be purchasing for the next 10 years, and in view of the fact that they are all relatively new weapons, one would think that here would be the test as to whether or not the Secretary of Defense is really applying a "fly before you buy" policy. The question is whether the "fly before you buy" policy will apply to these four programs.

As I can point out, it is doubtful if the "fly before you buy" policy is being applied to tanks. You cannot fly a tank, but you can certainly test it before you buy it. It is doubtful whether it is being applied to ships—again, we can test our ships, surely, before we go into production. But in view of the nature of the slogan, "fly before you buy," it has a nice rhyming quality, but if it has any meaning, it certainly ought to be applied to the major procurement of planes during the next 10 years.

If it is not, one could only conclude that at best the Department of Defense and the Fitzhugh Commission are locking the barn door after the horses have been stolen. Frankly, the fact that in each of these programs we are dealing with sole source contractors, and that the Government has already committed itself to a certain amount of production on some of them, is not encouraging. It might well be asked whether fly-before-you-buy will be applied to other new programs including missile systems and the Safeguard ABM. If fly-before-you-buy has really been adopted, I fail to see how the administration could be advocating the third site expansion of ABM before gaining enough experience with the first two sites authorized last year to know that the system will work.

APPLY POLICY TO ABM

I am particularly at a loss to understand how they can say that they favor a "fly before you buy" policy with respect to the ABM—if they do—when the Secretary of Defense himself pleaded with Congress to authorize the first two sites last year on the ground that we could test them out over a 5-year period to determine whether or not it was practical, before we proceeded with further ABM deployment. "Fly before you buy" was expressly violated by the committee when it authorized site 3 deployment for ABM, without testing at sites 1 and 2 as the Defense Secretary promised.

QUESTIONS ON NEW AUTHORIZATIONS

Mr. President, before I made this speech, I notified the distinguished chairman of the Committee on Armed Services, and I told him that not only was I going to speak on this matter, but also, I have a series of questions on the application of the fine "fly before you buy" slogan which the Secretary of Defense has been promoting on television for the last couple of days, and which I think all Americans who are alert and informed are associating with the new policy of the Defense Department, as to whether that really applies in this bill. I wanted to ask specific questions along this line.

Mr. STENNIS, understandably, said he would like to have me make the questions available in the RECORD by reading them into the RECORD so that he would have a chance to study them carefully and make as responsible and accurate replies as he could. I respect Senator STENNIS' position on this, and for that reason I am going to go ahead and ask the chairman of the Committee on Armed Services these questions, although he cannot be here at the moment. He said he had to be absent, but he wanted me to proceed with this part of my speech, so that he would have a record on it.

SLOGANS ARE NOT ACTIONS

"Fly before you buy" is a fine slogan which all of us can respect.

It is the same principle which I called for in a Senate speech more than a year ago. But these slogans have a way of becoming fine public relations for a few months but then fading away like the leaves in the fall.

This can be a very beneficial, cost-saving principle if we really mean business. There is no question that one of the great reasons for the excess cost of our defense procurement for the past several years has been the fact that we have gone into production before we finished complete testing on these weapons. The result is that we have found again and

again that performance has been very poor, there have been all kinds of changes and modifications that have been tremendously expensive, and in some cases we had to scrap the whole system because it did not work, because of spending hundreds of millions of dollars, and in one case over $2 billion before it was killed and all funds went down the drain. So this "fly before you buy"—or it could be "test before you buy"—principle can be very beneficial. But it can once again simply be a temporary way in which the Pentagon can ease the pressure of Congress to reduce its procurement funds during the few weeks that this debate will last.

The timing of this makes it very suspect, because it comes at exactly when we are considering this bill and when a number of Senators may be considering whether or not to vote for reductions in this bill.

MILESTONE PROGRAM NOW 1 YEAR OLD

May I point out that about a year ago, after my Subcommittee on Economy in Government had uncovered the huge overrun on the C–5A and on other weapons, the Pentagon announced that it was instituting the milestone buying concept. The point was that weapons would be produced stage by stage. Research would be completed before development began. The "Fly Before You Buy" slogan is great public relations, a bright, sharp selling point, but as announced this week it is just a more striking name for the milestone buying concept announced a year ago and which supposedly the Pentagon has had in effect since that time.

With this in mind, I want to ask the chairman of the Armed Services Committee certain questions, which are asked with complete respect for him but are designed to determine the extent to which this "Fly before you buy" principle has been put into effect in this bill by the committee.

As I read the bill and the report, it appears to me that time after time the Defense Department has failed to act on the "Fly before you buy" policy, and that the committee on numerous occasions cut out funds for production when more research and development was needed.

I commend the chairman and the committee for that action.

But it may also be true that this is not universally the case and that is why I have these questions.

SAFEGUARD

What about Safeguard? Last year it was said we needed the two sites in order to test out Safeguard. But now we are moving ahead to phase II before the first two sites are finished. How does the fly before we buy policy apply to Safeguard? If Members of the Senate are asked to support the principle enunciated by the Secretary of Defense, they would have to vote "no," if we have an opportunity to do that, on an amendment on phase 2 or the third site.

M60AI TANK

There has been a lot of trouble with tanks. What about the M60AI tank? It is in production at about 30 a month. More money is asked for—page 23, report. But improvements are needed. Should we not get a completed prototype, fully tested and workable, before we continue production?

MBT–70

What about this tank? Do we have one or two prototypes fully tested and which really work? I noted that we are asked for $41 million for "advanced production engineering" in addition to R. & D. funds—page 24.

Is it not a fundamental principle that we should build one or two of these weapons first and fully test them before moving into production? At least, is that not the fundamental meaning of "fly before you buy"? But under the tank programs, it appears that we have been moving into production while the tanks are still not fully tested and unworkable? Should we not apply fly before we buy to the tanks?

AX

What about the AX—the close air support aircraft? The report states—page 24—that $27.9 million is requested to initiate development. Has it been fully tested? How many prototypes were there?

TOW MISSILE

Report, page 25–6. Does the TOW really work? We are authorizing $113 million for production. Is it not a duplication of the Shillelagh? Why is it needed now? But, particularly, how can we go ahead and comply with the principle that the Secretary of Defense has enunciated, which Americans have been told we are putting into effect in our Defense Department, of "test before you buy" or "fly before you buy," when we are asked to authorize $113 million for production, when we are not assured that this missile works?

F–15 AIR FORCE FIGHTER

Apparently there is $370 million for R. & D. for the F–15 in this bill. But it will apparently be operational in the mid-1970's. How many planes are there under the R. & D. portion? Will we really have one or two prototypes fully tested before it becomes operational? Or are we just moving ahead with a large number of R. & D. planes in the hope that we will get the bugs out later?

Of course, that is another question. We certainly do not want to get into the position of saying that we are only going to have research and development and then find that the prototype concept has been extended to such a point that we are actually producing many planes as prototypes because this is the one way we can justify going into production before we finish testing. It is true that we have to have some prototypes, but they should be one or two or three and not an indefinite number.

If we have an indefinite number, we are then not following the fly-before-you-buy principle, but are going into production before we have tested the equipment.

F–14 NAVY FIGHTER

Here is a real question. Apparently we are building some 26 of the F–14's while we are testing. What about the fly before we buy policy here?—p. 27, report. A third of the money is for R. & D. Two-thirds is for production of 26 F–14A aircraft. Should not we produce a few prototypes, fully tested and fully workable, before rushing into production?

What about other programs?

B–1 BOMBER

Here is an example of fly before you buy, but is it not intended to build seven planes? Why are not two or three enough? The XB–70 was stopped after two were produced. Why do we need seven B–1's to test it?

S–3A CARRIER-BASED ANTISUBMARINE AIRCRAFT

How many of these are we asked to fund for production? Have they been tested? Do they work? Are we moving into production before adequate testing? Does the fly before you buy principle apply here?

MISSILES: CONNORR, MAVERICK, AND SPARROW F

I note that the committee is cutting back on funds for these programs because they need additional research and development. I commend the committee heartily on that action. But why did not the Pentagon apply the fly-before-you-buy policy here? I am pleased that the committee is doing this, even though the Pentagon recommended them.

CHAPARRAL, IMPROVED HAWK, LANCE

These three missiles are apparently new or newly developed. Has there been a fly-before-you-buy policy on these?—pages 43–4.

SPARROW AIR-TO-AIR MISSILE

I note on page 46 of the committee report that the committee recommends a reduction in funds for the AIM–7F on grounds that we need additional development before a significant buildup in production.

That looks as if the Navy asked for production funds before it had been fully tested. The committee refused to go along. I commend the committee. Did the Navy fly that one before it urged Congress to buy it?

SIDEWINDER

What about Sidewinder? The committee report—page 47—says it has an expanded acquisition mode plus new solid state electronics for greater reliability and reparability. That sounds as if it did not work very well in the past. Was it fully tested first?

PHOENIX AIR-TO-AIR

We are asked to authorize $101 million for procurement. But we are also asked for $8.5 million in R. & D. Have we had workable prototypes fully tested? From the report it looks like they are still testing.

STANDARD MISSILES

According to the report—page 47—these replace Tartar and Terrier. Is the money for procurement or for R. & D? Has Standard been fully tested? Does it meet the fly-before-you-buy principle?

SUBROC

Does it work? Is the money for procurement or for testing? Does it really work?

CONDOR (NAVY)

The committee is knocking out $28.9 million in procurement money because this weapon needs more research and development. Did the Navy ask for the procurement money before it was fully

tested? What about fly before you buy for Condor? Apparently the Navy Department did not do that. I commend the committee for its action.

SHIPS

We have a vast new shipbuilding program. Many of them are under a "systems contract" with companies designing them and building them without completing prototypes.

What about the destroyers—DD 963? Do we build prototypes there? We authorize $459 million for six ships. Why not build one prototype first?

LHA (GENERAL PURPOSE ASSAULT SHIP)

We fund two and go for leadtime on two more. According to the table on page 59 of the report, it appears that eight are authorized. What about fly before we buy the LHA?

DLG

What about the DLG guided missile frigate? Last year we authorized one and go for four more this year. Has the one been fully tested? Does it work?

MSO MINESWEEPERS

What about the MSO minesweeper? We approved 10 last year and five more this year. Has prototype been built and fully tested?

I think it ought to be clear from this quick, brief review of the weapons systems that whereas the committee is applying the principle in some cases and has denied some funds for programing and production, on the good grounds that the equipment has not been adequately tested and has not met the fly-before-you-buy principle, there are a number of other expensive systems for which the committee has gone ahead and provided production funds, and as to which the principle enunciated by the Secretary of Defense, which all Americans can applaud, is not being followed, even after the committee has acted. Again and again and again, in each and every phase of the Pentagon program, this principle seems clearly to be violated.

I have placed these questions in the RECORD because I had expected to have an opportunity to ask the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) to respond to them on the floor of the Senate. The questions are complicated and require responsible and necessary checking with the Department of Defense and the staff of the committee. For that reason, the chairman asked if I would place the questions in the RECORD, saying that he would reply, presumably, very soon. I certainly respect his position.

REPLY TO SENATOR GOLDWATER

Briefly and tentatively, because I will reply in greater detail later, I want to answer the speech made yesterday by the distinguished Senator from Arizona (Mr. GOLDWATER). The Senator from Arizona made, as usual, a forthright, vigorous speech which attacked those who are contemplating reducing the defense budget.

A large part of the speech was devoted to the assumption that if we reduce the defense budget, we will reduce the ability to meet our commitments, not be able to maintain our position as the leading country in the world, and will become a second-class power. I do not know on what basis the distinguished Senator from Arizona has reached these conclusions, because the basis is not in his speech. He certainly did not analyze the amount we spend compared with the amount that the Soviet Union and other nations spend militarily. If that is done, it is clear that we spend far, far more than any other country, if we include atomic energy expenditures and military assistance expenditures, we spend about $75 billion for defense.

U.S. DEFENSE SPENDING ALMOST DOUBLE SOVIETS

The London office of Strategic Studies has indicated that in comparable terms, if we adjust rubles for dollars, and allow for a lower wage level in the Soviet Union, Russia is spending about $40 billion on defense. So we are spending about twice as much. It seems to me it is perfectly responsible for us to save $8 billion or $9 billion or $10 billion from the overall expenditure without putting us in the position of being a second-class power. We are spending not almost twice as much as the mainland Chinese; we are spending six or seven times, at least—I repeat; at least. We have a navy bigger than all the navies in the world combined. We have an air force that is more powerful than those of other countries. I pointed out in detail in a speech last Friday that in terms of strategic power it is true the Soviet Union has made greater advances compared with us and is in a position of rough parity with us, as to land-based missiles.

The point is, what are we going to do about it? We have the assured destructive capacity, or the power with 400 deliverable warheads to destroy 25 percent or 30 percent of Russia's population and 75 percent of its industry after they hit us. That has been considered to be a sufficient capability. In other words, we can do this with the second strike, or in retaliation if they launch a first strike.

ENOUGH IS ENOUGH

In the event that we were to increase our strategic capability enormously, so that we would have, say, 10 times the missile firepower we have, we would not be in a position to destroy a much greater proportion of their country. There is a point of diminishing return. By doubling the deliverable warheads, from 400 to 800, we could destroy 8 percent or 9 percent more of their people, but only 1 percent more of their industrial capacity. According to published sources we have from 4,200 to 6,000 deliverable warheads in our arsenal.

At any rate, it is hard to see, under these circumstances, why we have to proceed to increase our strategic firepower immensely and why, if the Russians have rough parity with us, in land based missiles, we have to struggle to reestablish what we had some years ago—2 to 1, 3 to 1, or 5 to 1 superiority; when the missile number ratio is meaningless.

MORE WEAPONS—LESS SECURITY

There is every indication, as the Senator from Massachusetts (Mr. BROOKE) indicated yesterday, that to the extent we are able to MIRV our missiles so that we might have a kind of first strike capability, the Russians will have to do the same thing; result: they would have less security and we would have less security.

It is very clear in terms of many of the assumptions that the Secretary of Defense has announced—of a one and one-half war—that we could reduce our general purpose force from $43 billion a year to $34 billion a year.

This estimate is based on a very careful and well documented analysis by Charles Schultze, the former Budget Director, working with the Brookings staff. He made a study which showed that this could be done and that we would be capable, if we made this kind of cut, of achieving all the strategic capabilities we are asked now to achieve including Phase II ABM, MIRV missiles, and so forth with no reduction in activity whatsoever in Vietnam, and would be able to fight a one-plus war and yet be able to do so with a $9 billion cut in our military budget.

WASTE IN PROCUREMENT

Furthermore, Mr. President, the arguments that have been made, even this early in the debate on the pending bill, have suggested how we can cut the budget very sharply and still be responsible.

We have had a series of speeches and descriptions of the terrific waste in procurement and overruns.

I am convinced, as many other Senators are, that we can cut down on our expensive procurement and that the best way would be to limit the amount available to the Defense Department to spend.

There are other ways, also, but this would seem to me to be one of the most constructive.

The distinguished Senator from Illinois (Mr. PERCY) pointed out that with much more efficient handling of our food service in the three military services, we would be able to save an estimated $1 billion. He did not claim that we would save that much. He said that we would save, however, $500 milion if we simply put into effect a commonsense reorganization of our grossly antiquated and inefficient method of handling this service. We would save this money and do it without any reduction in the quantity or quality of the food made available.

EXCESSIVE BASES AND COMMITMENTS

We had a speech by the distinguished Senator from Missouri (Mr. SYMINGTON), whose subcommittee has gone into our commitments in 23 nations and has held specific hearings on 13 of those nations and found that our commitments are very vague and indefinite and that, indeed, we are involved in Laos; although we have no treaty or agreement or executive agreement or any other understanding. Yet, we are spending hundreds of millions of dollars in Laos and losing the lives of Americans.

Here is another area of vague and indefinite commitments where funds have been made available to meet unspecified and indefinite obligations and where a reduction in funds available would have a wholesome effect on our policy because we would otherwise become militarily committed.

VIETNAM SPENDING

I am not, of course, raising the potential savings many Senators and many Americans support that we could achieve by more rapidly withdrawing from Vietnam.

I have said that would constitute an area in which we could greatly reduce military expenditures without mentioning many other areas where spending can be reduced, aside and apart from the worldwide commitments which have been so vague and indefinite.

We have many bases where we are spending billions of dollars a year, some of which are unnecessary, obsolete, and redundant.

CUT OUT FAT

At any rate, I do feel very strongly that I—and I am sure that I speak for many others who would like to reduce the military budget—cannot in any sense be characterized as opposing a strong American military force.

Some people have talked about how we ought to have a parity with the Soviet Union. I am convinced that we can sharply reduce the budget and still have a military force superior to the Soviet Union in every sense. We can do that and do it responsibly.

There are, of course, many good Americans who would want to go much further than that. But I do not know of any Senator or any Member of Congress who would want to make a precipitate or dangerous reduction in our Armed Forces. I do not know of any Member of Congress who would want to reduce our military or strategic forces or reduce our forces in any other significant sense so that we would be behind the Soviet Union. That is a red herring. We all realize that we must have a strong military force in the kind of world in which we live.

Mr. President, as I say, this does not constitute a full response to the Senator from Arizona (Mr. GOLDWATER), who spoke at some length on yesterday. But it is my off-the-cuff and offhand reaction to his speech.

Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT FROM TOMORROW TO MONDAY, AUGUST 3, AT 11 O'CLOCK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11 o'clock on Monday morning next.

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

ORDER FOR RECOGNITION OF SENATOR McINTYRE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the disposition of the reading of the Journal of proceedings on Monday morning next, the able Senator from New Hampshire (Mr. MCINTYRE) be recognized for not to exceed 30 minutes.

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, the recess not to extend beyond 3:30 p.m. today.

The motion was agreed to, and at 3:21 p.m. the Senate took a recess subject to the call of the Chair.

At 3:29 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. PACKWOOD).

MILITARY MUST COMPLY WITH ENVIRONMENTAL POLICY ACT

AMENDMENT NO. 808

Mr. PROXMIRE. Mr. President, today I am submitting an amendment to the Military Authorization Act which would require that before funds could be spent an environmental report be submitted on all major military proposals for legislation and other major actions as required by section 102 of the Environmental Policy Act of 1969. Section 102 requires that:

> All agencies of the federal government shall . . . include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the environment, a detailed statement by the responsible official on the environmental impact of the proposed action.

Specifically, the amendment provides that no funds authorized or appropriated for specific major military programs or projects may be expended before the Department of Defense has complied with the provisions of the act.

Frankly, Mr. President, I am prepared to call it up and discuss it. I was ready to act on this amendment today. It would have been fine with me if we could have had it before the Senate for a vote today or tomorrow. But, in consultation with the staff of the Armed Services Committee they urged that a short period be allowed for the Defense Department to gives its understanding or its judgment on it.

IMPACT ON ENVIRONMENT

Mr. President, the need for this amendment is demonstrated by the wide range of projects in which the Department of Defense is involved which have a major impact on the environment. This past year the Department spent about $75 billion for its activities. According to a spokesman from the Council on Environmental Quality, the Defense Department is responsible for almost 80 percent of all the pollution caused by activities of the U.S. Government around the world. Defense installations are a major source of both air and water pollution in the United States. Collectively, they are responsible for millions of gallons of sewage, tons of garbage, and a great deal of air pollution each year.

SHIPS

Another major source of environmental damage is the day-to-day operation of our military aircraft, our naval vessels, and other defense-related equipment. Presently, the Navy owns and operates 940 ships. The Air Force, the Navy, and the Army operate a combined total of 26,000 aircraft. The pollution from these two sources alone is substantial. Naval vessels create oil pollution when they flush their fuel tanks at sea. While this is now prohibited it has been difficult to enforce compliance. Some of our naval vessels still dump their garbage overboard. While much of this goes undiscovered, some of the garbage washes up on to beaches each year and is later traced to U.S. naval vessels.

JET PLANES

Military aircraft create both air and noise pollution. Like commercial jets, they spew forth clouds of unburned kerosene and other high octane fuels. Each year military aircraft are responsible for many sonic booms across the United States which cause untold property damage.

As a matter of fact, I had a call last night from Oklahoma, in which a judge informed me that in a case that had been decided in that State yesterday damage from a sonic boom was found to be actionable and the determination was in favor of the complainant that the sonic boom had caused serious injury to him as well as to his property.

I think this may be quite a landmark decision. He is sending me the details on it. I do not have the details at the moment.

In addition, I have received many complaints concerning takeoff and landing noise of military jets—noise which is a constant source of aggravation to area residents who feel powerless to do anything about it.

MOTOR VEHICLES

Motor vehicles owned and operated by the Department of Defense are a major source of air pollution. The Army alone owns thousands of trucks, cars, and other tracked vehicles, all of which give off carbon monoxide and other air pollutants. Needless to say, the environmental damage done by this many vehicles is substantial.

Mr. President, I may say that I just talked with a Senator who is a strong supporter of the Defense Department and who said he agreed with me wholeheartedly on this amendment. Whereas he might disagree on a number of other amendments, he said that, after all, if the Government itself was not to set a good example in this respect, we could hardly expect industry to do an effective job in reducing their polluting effects.

WEAPONS SYSTEMS

A little known, but very significant source of environmental degradation is the construction of major weapons systems. Whenever one of the armed services lets a contract calling for many millions of dollars' worth of military construction, it also creates major environmental problems. It is virtually impossible to pour tens of millions of dollars into an area for a large project and not create massive environmental problems related to land use, waste disposal, and urbanization. The awarding of a major contract may encourage an influx of potential employees into an area creating pressure for new housing, additional waste disposal facilities, and other services. All of these activities create environmental problems, problems which

are caused by the completion of military contracts.

CONSTRUCTION

Similar problems are encountered during the construction of any large defense facility. The construction of new military bases and other installations results in untold environmental damage. At one time, for example, the Navy was considering filling in 95 acres of San Francisco Bay to make way for new facilities. Only the bitter resistance of environmental groups prevented the Navy from destroying a large section of the remaining bay area. More recently, the Department of Defense has pushed for development of Project Sanguine, a huge communications grid to be constructed in northern Wisconsin which would have major environmental implications.

By "major environmental implications" I mean the ecology would be very seriously affected. Plant life and even human beings could be seriously affected by this very extensive project. I received a number of protests about it from my State. In spite of the fact that the State would gain considerable economic benefit from a project that would cost at least $2 billion, and which some people estimate would cost $10 billion, the attitude in our State is strongly against it because of the environmental fallout.

I might say there is also the attitude that if it is a military necessity, if it is necessary for the defense of our country, then the project would of course, be accepted—with regret, but accepted.

At any rate, these are just two examples of the many projects which the Defense Department is involved in every year which have massive environmental effects.

Unfortunately, these environmental problems rarely are considered prior to the funding of the project. Normally the question asked is, How many new jobs will the contract create; not How much damage could it do to the environment? Often, only after the work is well underway and the damage is all too apparent is consideration given to protecting the environment. By that time it may be too late to reverse the damage already done.

TESTING OF WEAPONS

A very serious threat to the environment is posed by the testing and transfer of various weapons in the United States and other parts of the world. A well-known example is the transfer of chemical and biological warfare agents across the United States. Despite the precautions taken by the Department, there is little question that the transfer of such weapons represents a serious environmental hazard. Should the protective casing rupture as a result of an accident, large numbers of people would be in real peril.

Testing of weapons also presents environmental hazards. Recently, it has been reported that radiation levels far in excess of AEC standards have been found near major underground test sites in Nevada. Several years ago over 5,000 sheep were killed as a result of exposure to VX nerve gas which had escaped accidentally from testing grounds in Utah. In a case which still has not been settled, various conservation groups have charged the Navy is destroying the wildlife on Culebra, an island off the coast of Puerto Rico, as a result of artillery practice conducted against the island. These are just a few examples of the hazards involved in the testing and transfer of weapons—hazards which cannot be dismissed as insignificant or justified on the grounds of national security.

SIZE ALONE AFFECTS ENVIRONMENT

These are just a few of the activities carried on by the Department of Defense which contribute to the degradation of the environment. It would be virtually impossible to catalog all of the projects undertaken by the Department which affect the environment in one way or another. The Department of Defense may be no more at fault than other Departments. But it is much bigger. The fact that the Defense Department alone accounts for over 35 percent of the total expenditures under the new consolidated budget should indicate the extent to which departmental programs affect the environment.

In view of the estimate that 80 percent of the pollution problem caused by the Federal Government is caused by the Defense Department, I think those two figures can be reconciled when we recognize that virtually very little pollution is caused by paying $20 billion interest on the national debt. I doubt if much pollution can be attributed to the fact that $33 billion a year is paid for social security.

There are many other programs that would not be related in any ordinary sense to pollution. But the activities of the Defense Department, as I have indicated, certainly are.

In view of this, it is essential that every major Defense proposal for legislation or actions be carefully scrutinized to determine its environmental impact. Every proposal for a major weapons system should be studied to determine what effect its development, construction, and operation will have on the environment.

NOT APPLICABLE TO EFFECTS DURING WAR

Obviously, the ultimate purpose of every weapon is to destroy lives or property. In the process, the environment will be damaged. In war this is unavoidable. This type of destruction is not what we are primarily concerned with today. Our concern centers mainly around the damage done to the environment as a result of maintaining our Military Establishment—damage caused by the careless construction, testing, and maintenance of weapons. The purpose of the amendment we are offering today is not designed to cover the destruction caused by bombs and rockets in open warfare. That would be ridiculous, and I hope that during the course of our debate on this amendment that does not become a red herring, because it certainly would be if it were charged that we were attempting to eliminate the pollution caused by war. All of us would like to do that, but that is impossible.

WHAT WILL THE AMENDMENT DO?

What programs and activities of the Defense Department does the amendment cover? Essentially six types of activities are identified in the amendment. While this list is not meant to be inclusive, it covers the major projects and activities of the Department for which a full environmental report is required under section 102(2)(c) of the National Environmental Policy Act.

The first area covered is the construction, testing and operation of any weapon system which would significantly affect the environment, except when used in warfare. This provision would require the Department of Defense when it proposes a new weapon to make a full report on such effects as air pollution caused by the weapon, excessive noise during operation, and other environmental effects. This provision would also cover testing and construction of the weapon and the effects each of these would have on the environment. What is not required by this amendment is a report on the destructive capability as such of such weapons in actual warfare situations. This destruction of the environment is an unfortunate consequence of any type of warfare, and thus can be controlled only by efforts to keep the peace.

The second major activity covered under the amendment is the transportation or disposal of dangerous substances or devices. This provision is designed to cover the transfer of deadly nerve gases, for example, across the United States or to other parts of the world if that is covered by the basic act. It would also cover the disposal of such agents. This will prevent the Department from disposing of dangerous substances before the full environmental hazards of such disposal are known.

REPORT ON HERBICIDES AND CBW AGENTS

The third activity covered is the use of herbicides or other chemical or biological warfare agents. Recently, it has been reported that widespread use of herbicides in Vietnam has resulted in massive, possibly irreparable damage to the ecology of South Vietnam. The purpose of this provision is to understand the effects of such agents and their permanent impact on an area. The damage done by some of these substances may far outweigh the damage done to the environment in actual warfare. The need for knowledge before they are authorized is only too obvious.

The fourth provision requires that a report be submitted on all projects or activities carried out under contracts amounting to more than $100 million or under other contracts which, in the judgment of the Council on Environmental Quality, will have results significantly affecting the environment. The purpose of this provision is to insure that before the Department of Defense awards a major contract for the construction of a major weapon system, for example, a consideration has been given to the effect the completion of such contract will have on such factors as increased urbanization, land use, sewage treatment and other changes brought about by the infusion of large sums of money into a particular area. Too many times, huge contracts have been awarded to areas which may have been totally unprepared to deal with the economic and social and environmen-

tal consequences of large-scale military development. This provision will insure that a report detailing such potential effects will be made before construction gets underway.

The fifth provision, which is closely related to the preceding one, requires that reports be submitted on the environmental effects of all proposals for military construction projects which will have a significant impact on the human environment. The need for this has already been examined—the cases cited show the tremendous impact which military construction can have on the environment. Certainly, construction is one of the most important activities carried on by the Department of Defense which affects the environment.

COVERS DISPOSAL OF DANGEROUS SUBSTANCES

The final provision requires that reports be submitted on the sale or disposal of dangerous substances or devices whose use could significantly affect the environment. The need for this requirement was brought sharply to public attention yesterday when the Evening Star reported that the Defense Department had offered for sale 94,000 pounds of the deadly pesticide, dieldrin, without notifying the Department of Agriculture which is responsible for control over such pesticides. Despite the fact that Interior has already banned the use of the pesticide, the Defense Department was offering for sale a quantity of the pesticide which was three times the amount the Department of Agriculture had approved for nationwide use in this year. This type of practice should be stopped. Submission of an environmental report on such major actions will allow time for Congress or the appropriate regulatory agency to head off such action.

DOD SHOULD COMPLY WITH LAW

Mr. President, we can no longer condone damage done to the environment by military activities as well as other agencies merely due to the lack of knowledge. The amendment I am offering today will not give the Council on Environmental Quality the power to get a report. It merely requires that the Defense Department comply with the law. The National Environmental Policy Act does not exempt the Department of Defense from compliance. It specifically states:

All federal agencies shall be required to comply with the provisions of this section.

Up to this time, the Department has complied with the law only on a limited scale.

LONG PIPELINE

I recall very well, a few weeks ago when we were holding hearings before the Subcommittee on Economy in Government, the subject of the National Environmental Policy Act came up, and I asked a representative of the Defense Department whether or not they had made reports. I pointed out that the only reports available from the Defense Department seemed to be in two minor areas.

They said, "Well, they are in the pipeline."

Of course, the Defense Department has the world's longest pipeline. This act has been on the books for many months, and it would seem that, in view of the many activities by the Department of Defense, we should have reports on file, but we do not have them. This amendment is one way to make sure we will get those reports. If the Defense Department is to get the money for its projects, it will have to file the reports.

The purpose of this amendment is to make certain that there is a submission of an environmental report before we fund major projects and activities. This is all the law requires—that a report be submitted. This is the very least we can do to protect the environment. Congress has a right to know before it authorizes or funds a new project what the environmental consequences of such a project will be.

POLLUTION THREATENS SECURITY

We must accept the fact that our national security is also threatened by the pollution of our environment—from whatever source. The projects of the Department of Defense are no exception. In fact they constitute, because of their numbers alone, one of the most serious threats. Of course every other agency must comply with the law, and I intend to introduce a similar amendment to other bills if that is necessary.

There is no justification for exempting the activities of the Department of Defense and every reason to make certain it complies. The amendment I am introducing today will insure that every major military program or project is subjected to a thorough review to determine in advance its probable impact on the environment. Hopefully, such studies will enable us to avoid many of the problems which such programs have created in the past. With some careful planning many of these problems can be solved and extensive environmental damage can be avoided.

Mr. President, I send the amendment to the desk, and ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD in accordance with the Senator's request.

Mr. PROXMIRE's amendment (No. 808) is as follows:

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

"SEC. 507. None of the funds authorized to be appropriated by this or any other Act to or for the use of the Armed Forces of the United States may be obligated or expended for any project or activity described in this section which is carried out by or for the Armed Forces of the United States, unless and until the Department of Defense has, in the case of such project or activity, complied with the provisions of section 102 (1) and (2)(C) of the National Environmental Policy Act of 1969. Projects or activities of the Armed Forces subject to this section shall include, but not be limited to, the following:

"(1) The development, contruction, testing, and operation of any weapon system which significantly affects the quality of the human environment, except when maintained and used in warfare.

"(2) The transportation or transfer of dangerous substances or devices.

"(3) The use of herbicides or other chemical or biological warfare agents.

"(4) All projects or activities carried out under contracts amounting to more than $100,000,000 and all other contracts whose completion will have results significantly affecting the quality of the human environment.

"(5) All military construction projects which will significantly affect the quality of human environment.

"(6) The sale or disposal of dangerous substances or devices whose use could significantly affect the quality of the human environment."

Mr. PROXMIRE. Mr. President, I yield the floor.

HEW DESEGREGATION GUIDELINES IN TEXAS

Mr. TOWER. Mr. President, there are more than 1,300 school districts in the State of Texas. Some 48 of these are, in the opinion of the Department of Health, Education, and Welfare, not in compliance with the constitutional mandate to end dual school systems.

These 48 school districts have been unable to meet the desegregation guidelines as enunciated to them by representatives of HEW. Because of this, it appears likely that these school districts and the school boards which govern them will be forced into Federal court for a final determination of the issue.

Perhaps this is necessary. It may well be that this Federal agency has at last reached such a point of dedication to bureaucracy that it cannot respond to the needs and will of the people of this Nation or the realities of the world in which they live. I regret to concede it, Mr. President, but it appears that this is so. For no other explanation of the gap between the stated policies of the President and Congress and the acts of HEW teams in the field exists.

In his comprehensive message on school desegregation of March 24 the President said:

If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.

In addition, he stated in "Policies of This Administration":

In devising local compliance plans, primary weight should be given to the considered judgment of local school boards—provided they act in good faith, and within Constitutional limits.

The neighborhood school will be deemed the most appropriate base for such a system.

Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

Congress has repeatedly acted to adopt language to forbid the use of Federal funds to bring about a racial balance in schools through the use of busing.

In the recently passed education appropriations bill for fiscal year 1971, sections 209 and 210, read as follows:

SEC. 209. No part of the funds contained in this Act may be used—

To force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students;

To force on account of race, creed, or color the abolishment of any school so desegregated, or

To force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 210. No part of funds contained in this Act shall be used—

To force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students;

To require the abolishment of any school so desegregated; or

To force on account of race, creed, or color the transfer of students so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Title IV of the Civil Rights Act of 1964 contains the following definition of desegregation:

Desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The policy, then, is clear. Federally imposed busing is not to be used as a means to bring about a forced racial balance in public schools.

And this policy is just and proper. It is patently absurd to pretend that transporting a child away from his natural, neighborhood school to one some distance away just so that he attends classes with children of another race improves the education he receives. Busing to bring about a racial balance simply siphons funds from meaningful educational programs into the purchase and maintenance of vehicles. Instead of allowing the child as much time as possible in the classroom or in his neighborhood, it places him in a mobile, glass-enclosed box for substantial periods each day.

Furthermore, it is equally absurd to assume that busing is a useful educational tool. While some may argue that there is educational benefit to be derived from attending classes outside of one's neighborhood, this argument ignores the profound negative impact on the educational process which accompanies the destruction of the neighborhood or community school. Traditionally, the public school has been a valuable part of the local community, tying its citizens together through a common bond—the desire to educate children as well as possible. In our modern, fractured society, there is more need than in the past for a focal point of commonality in the community. I repeat, to discard this fundamental benefit for an ephemeral, unproven one is to practice absurdity.

The reasons, then, for Presidential and congressional opposition to forced busing are sound.

But somewhere between the policymakers and the policy implementers, Mr. President, there is a gap. Oh, we all know that HEW never demands that a school district adopt a desegregation plan which involves substantial busing. This is not the bureaucratic way. Instead, the field teams investigating a given school district simply refuse to accept any and all proposals submitted by the local school board on the ground that they do not bring about the desired racial balance until only a busing plan is left. The result, however—and this is critically important—is the same. The children of the school district in question are forced to attend schools other than their neighborhood school. It matters not what bureaucratic technique is used to bring this result into play. Whatever ploy is presented, the tremendous negative impact upon the local educational system is the same.

I began by regretfully conceding that it may well have become necessary for these 48 school districts in Texas to take their case to the Federal courts. I should like to comment briefly upon them, Mr. President.

Over the past years, I and my office have worked as closely as possible with the school districts in order to help them devise a plan which meets desegregation guidelines. Since these guidelines have been constantly shifting and since no one has yet determined just what a "racially identifiable" school is, our task has not been easy. Yet all but 48 out of over 1,300 have been successful—at least until the next HEW guideline is developed.

I would like to share my observations of these school districts and school boards with my colleagues. The vast majority of them have acted and are continuing to act in a good faith effort to bring about school desegregation as rapidly and reasonably as possible. The school boards which have contacted my office have been composed almost exclusively of men and women of good will, good intent and honest effort.

I repeat, their job has not been easy. In an effort to achieve the constitutional mandate of desegregation they have often advocated plans and proposals which were not popular in their school districts. And every time a third or fourth level bureaucrat devises a technicality to disprove of that plan or proposal, Mr. President, he undermines the leadership of that school board in its community. He increases rather than decreases the likelihood that disharmony and educational disruption will occur. This is the tragedy of an unresponsive Federal agency.

I want to digress briefly here to make one important point. No part of my remarks nor any of my actions on behalf of the school boards of the State of Texas are or can be taken to be in support of a school district which does not act in good faith. Desegregation is the law of the land. This, too, is just and proper. There is a positive duty on each and every school board in Texas to act affirmatively to end educational segregation. I will defend a school board acting in good faith with all of my abilities but I cannot lift one finger in support of one that does not.

Again, I quote the President in his March 24 message:

In my discussion of the status of school desegregation law, I indicated that the Supreme Court has left a substantial degree of latitude within which specific desegregation plans can be designed. Many lower courts have left a comparable degree of latitude. This does not mean that the courts will tolerate or the Administration condone evasions or subterfuges; it does mean that if the essential element of good faith is present, it should ordinarily be possible to achieve legal compliance with a minimum of educational disruption, and through a plan designed to be responsive to the community's own local circumstances.

Because I believe the school districts of Texas to be governed by men and women of good faith, I support them. If they must take their case to Federal district court in order to escape the pervasive bureaucracy of the Department of Health, Education, and Welfare, then so be it. But I urge each and every school board, each and every parent, to continue to act in good faith. We in Texas cannot allow our educational system to be destroyed by hate and bitterness. Whatever the final outcome of the present conflict, we must make the best of it, for this is the American way of doing things. We are entitled to a hearing before those who would alter our neighborhood schools and we are entitled to our day in court. But when all is said and done we have a duty to obey what is finally construed to be the law. The importance of preserving an orderly society demands that we comply with the law, however unfair we believe it to be, until and unless we can change it.

I pledge my unremitting efforts to bring about reasonable administrative, legislative and judicial attitudes toward the problems of school desegregation in Texas and throughout the land. I urge each and every Texan to join with me in positive, constructive efforts to preserve and improve the quality of education available to all children in Texas, which, in the final analysis, must be our ultimate goal.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

SAFEGUARD ABM

Mr. KENNEDY. Mr. President, once again the Senate is about to debate the ABM. Once again the issue is not simply the necessity or effectiveness of a particu-

lar weapons system but rather the effectiveness and commitment of our Government. The ABM debate is a test of whether we can truly begin to reorder our priorities. It is a test of whether the mere incantation of the words "national security" will continue to prevent us from exercising unnecessary military expenditures.

A year ago, the senatorial critics of ABM, Democrats and Republicans alike, forcefully argued that deployment of Safeguard would not in fact enhance our national security, but could only serve to escalate the arms race. These Senators were supported by virtually every important nongovernment scientist in the Nation. Their arguments were not refuted by the administration and have not been refuted since.

Yet this year the administration is calling for an expansion of Safeguard. And it purports to have a new justification for its request. Deployment of Safeguard is required, we are told, in order to give bargaining chips to our negotiators at the SALT talks. But the United States already has ample bargaining chips in its unquestioned capacity to continue and even accelerate the arms race. It is this capacity which the Russians are concerned with, not an unbuilt ABM system of dubious efficacy. The Russians recognize that if no agreement is reached at SALT, we can eventually build far more effective ABM systems than Safeguard, and can massively increase our defensive strength. This is their incentive to negotiate meaningfully at Vienna.

Under the administration's logic the period preceding an arms control negotiation should not be one of mutual restraint. It should instead be a time of frenzied military buildup, as each side arms to parley. And, somehow, as we construct more Safeguards and MIRVs and the Russians construct more SS–9's, an atmosphere of constructive harmony will be established. It is just this kind of logic which has fueled the arms race for so long.

The administration does not rely solely on the bargaining chip argument to strengthen its case for an expanded Safeguard. It had also sought to support its position by presenting a distorted picture of the current strategic balance.

Secretary Laird has warned that we are "at a crossover point in the strategic balance," that the United States is on the verge of becoming a second-rank nuclear power. This is simply untrue. Although the Russians do have a slight lead over us in vulnerable land-based missiles, we hold a commanding lead in nuclear-armed submarines and bombers. At the most, the Russians are approaching parity with the United States as a nuclear power.

Mr. Laird has also stated that, in contrast to the Russians, we have maintained a neutral position in our strategic force level since 1965. This, too, is not true. Our budget for strategic forces has risen from $6.8 billion in 1965 to $9.1 billion in 1969 to $9.6 billion in 1970. We have carried out far more nuclear tests in the 5 years since 1965 than in the preceding 20 years, including 24 tests in the first 6 months of 1970. We have begun deployment of both ABM and MIRV systems and now plan a threefold increase in our stockpile of nuclear warheads. This is not "neutral gear."

We are in no danger of becoming a second-rank nuclear power. So we should not be panicked into accepting Safeguard. We should assess that system carefully and clinically. This I now propose to do.

The administration's contention that we must deploy Safeguard ABM to protect our second-strike capabilities from Soviet attack is specious on numerous grounds. First, our second-strike capability is protected even without Safeguard by our Polaris submarines. Secretary Laird has conceded that he is "fully confident" that our Polaris force "is invulnerable to surprise attack today and should remain so for the next 5 to 7 years and hopefully longer." In fact, the technology which would render this deterrent ineffective is not even on the drawing board yet.

It is true, as Secretary Laird has stated, that these submarines represent only 15 percent of our nuclear weapons. But what the Secretary somehow forgot to add is that this 15 percent is easily sufficient to destroy the 50 largest cities in the Soviet Union—twice.

Second, there are grave doubts that the Safeguard could protect any of our land-based Minuteman missiles under any circumstances. The ABM system has three critical components: Radars to detect and track the incoming missiles, computers to gage their speed and direction and to guide the antiballistic missile, and the defensive missile itself. If any component fails the system fails.

Many scientists believe that the Soviets already have inexpensive penetration aids which would sharply reduce the effectiveness of Safeguard's perimeter acquisition radars. Nobel laureate Hans Bethe has described the many devices which the Russians could use, ranging from simple decoys which could fool our radars to atmospheric nuclear explosions which could black out our radars. Even more important, it now appears that the Russians could almost certainly destroy the Safeguard missile site radars—MSR's—and thereby render the entire defense system completely useless. The MSR's are relatively soft targets which are difficult to protect from enemy missiles. Furthermore, they are so expensive—as much as $200 million for one radar and the associated data processing equipment—that we cannot simply employ a number of redundant radars at each Minuteman complex. In short, Safeguard's most crucial link is its weakest link.

At recent hearings, Defense Department officials conceded that the MSR's expense and vulnerability pose serious problems. They admitted the need for research into smaller and cheaper radars which would be adequate for a dedicated hard-point defense. But they insist on pressing ahead with Safeguard before the required research has been completed.

The second critical component of the Safeguard system—its computer—may also be inadequate. Many leading scientists, including members of a Department of Defense Advisory Panel on Safeguard, doubt that it will be possible to provide computer programs for the Safeguard system. They contend that it would be far easier to design and develop a computer for a dedicated hard-point system.

It is not surprising that Safeguard is an ineffective system for the protection of our land-based missiles. Safeguard was not originally designed for that task. It is an adaptation of the former Sentinel and Nike-X systems which were primarily designed as city-defense ABM systems. Its mission has been altered by Pentagon decree, but this does not make the system effective.

In the past the administration has argued that even if Safeguard is not the optimal system for missile defense it has the advantage of also providing area defense. The Senate Armed Services Committee has knocked the props out from this argument by recommending that the Safeguard now should be used only for missile defense. The committee action raises the obvious question: If it is in fact necessary to protect our land-based missiles from a first-strike attempt, why not employ a system which is specifically designed for that purpose?

The technical deficiencies of Safeguard raise another important issue. Last year the administration often referred to Safeguard phase I as a prototype system to be tested and proved out. President Nixon stated:

> We will take maximum advantage of the information gathered from the initial deployment in designing the later phases of the program.

And just last Monday, Secretary Laird announced that the Pentagon was planning to adopt a "fly before you buy" policy which would require step-by-step testing and evaluation of weapons systems before billions of dollars are spent. Apparently, however, this policy does not apply to Safeguard. For although the two phase I sites have neither been constructed nor tested, the administration is now requesting additional sites for phase II.

Third, assuming the presently planned Safeguard system can work, it is clear that the Soviets can easily overwhelm it. Secretary Laird has conceded that if the Soviets deploy MIRV, which we are already doing, if they continue to build ICBM's at their present rate and if they improve ICBM accuracy, Safeguard would be inadequate by the mid-1970's "without substantial improvement and modification."

There can be little doubt the Russians will react to our deployment of Safeguard by adding to their offensive strength. We must remember that our response to the 64 ABM launchers which the Russians built around Moscow is to plan for 6,000 more warheads in our stockpile. Thus, the Russian's ABM program, rather than increasing their security has produced a quantum leap in the arms race and thereby reduced their security. Our ABM will surely do the same. Although the Russians will doubt the efficacy of our ABM, their defense

planners will engage in some "worst case" analysis that ours do. They will respond to Safeguard by building up their offensive forces in the manner Secretary Laird has described. We would then need "substantial improvement and modification" of our ABM's. In plain language, this means more ABM sites, more radars, and more missiles. In the end we will have achieved a new level of arms stockpiling without the slightest increase to our security.

Fourth, Secretary Laird's suggestion on May 12 that immediate deployment of Safeguard is desirable because it avoids the necessity of adding to our offensive potential during the SALT talks is complete doubletalk. We are adding to our offensive potential right in the middle of SALT by deploying MIRV.

Fifth, a final grisly point is that given present technology there can be no ABM defense to a Soviet missile attack which is successful in the long run. If the radar works, the missiles fire, and the warheads destroy the incoming missiles high above the atmosphere—all highly questionable suppositions—the radioactivity released would kill a large portion of our population within a generation.

As I have already noted, the Senate Armed Services Committee has recommended against funding the area defense components of Safeguard. But the administration is likely to urge the Congress to reinstate area defense as a protection against the "Chinese threat." I therefore wish to review and analyze the administration's arguments in favor of a Chinese oriented ABM system.

Secretary Laird explained in his February posture statement that an anti-Chinese ABM system is necessary because the credibility of our Asian commitments would be reduced if China had any capacity to inflict nuclear damage on this country. This argument is unpersuasive. The Soviet Union has had such a capacity for years, but since we have retained our powerful second-strike capabilities, no one seriously doubts the credibility of our vital commitments in Europe or elsewhere.

In the posture statement, Secretary Laird suggested that our deterrent might not be as effective against China as it is against Russia because China has a more rural population. This again is nonsense. Two-thirds of China's population is concentrated in only about one-eighth of its area. Furthermore, the Chinese have no effective fallout shelters or defenses against our bombers. There can be no doubt that the United States using only its bomber forces—and thereby retaining its deterrent against Russia—could completely destroy the urban and rural population of China. Even 10 percent of our SAC bomber forces can deliver more than 100,000 times as much explosive power as the Hiroshima holocaust.

It has also been suggested that the Chinese Communists are so irrational that the total destruction of their society would not serve as a deterrent. This is parochialism gone wild. Many eminent students of China have made clear that the Chinese have recently been extremely careful to avoid serious confrontations with major powers. China seems to be as influenced as any nation by the fear of nuclear destruction.

Furthermore, it is completely unrealistic to predict, as has President Nixon, that Safeguard would be "virtually infallible" against a Chinese attack. The many failures of far less complex weapons systems and the near tragedy of Apollo 13 should caution us against making any such rosy predictions. We must bear in mind that we will never be able to test Safeguard under real battle conditions and that we will never know how sophisticated the Chinese penetration aids are.

Finally, if we attempt to build an infallible defense we must be prepared to protect each one of our cities against the entire Chinese missile force. Dr. Herbert York, Director of Defense Research and Engineering under President Eisenhower, estimates that a really serious Chinese-oriented ABM system would require many thousands of U.S. ABM interceptors. Aside from the staggering cost of such a system, we must consider what the response of the Soviet Union would be. The Russians would not simply rest secure in the belief that this system was not only aimed at China. They would recognize that, as former Secretary of Defense McNamara himself stated:

> The danger in deploying [a] Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.

The Russians would unquestionably become nervous about the effectiveness of their second-strike capabilities and would begin a massive buildup of offensive missiles.

Thus, whether we look at the Soviet threat or the Chinese threat, Safeguard is a destabilizing and unnecessary weapons system. It is a weapons system which should not be incorporated into any SALT agreement. It is a weapons system which should not be built even if the SALT talks fail. There are far more effective ways for us to assure our deterrent capabilities if, tragically, the arms race is permitted to continue.

This analysis of Safeguard, which relies heavily on the work of many leading scientific and arms control experts clearly demonstrates the folly of the administration's position. Yet in a way it grossly understates the case against Safeguard. For as McGeorge Bundy has pointed out, the cold calculations of even the best defense analysts are disconnected from reality. Think-tank analysts can set levels of "acceptable" damage well up in the tens of millions of lives. They can assume that the loss of dozens of great cities is somehow a real choice for sane men. They are in an unreal world. In the real world of real political leaders—whether here or in the Soviet Union—a decision that would bring even one hydrogen bomb on one city of one's own country would be recognized in advance as a catastrophic blunder. 10 bombs on 10 cities would be a disaster beyond history and a hundred bombs on a hundred cities are unthinkable. Yet this unthinkable level of incineration is the least that could be expected by either side in response to any first strike in the next 10 years, no matter what happens to weapons systems in the meantime. Even the worst case hypothesized in the ABM debate leaves at least this much room for reply. In sane politics, therefore, there is no level of superiority which will make a strategic first strike between the two great states anything but an act of utter folly.

In a sense then, the Senate will be entering an unreal world next week when it debates the ABM and begins to discuss first strikes, damage limitation and assured destruction capability. We have already poured billions of dollars into this world, and with Safeguard we are being asked to spend at least $20 billion more.

I think it is high time we began to pay greater attention to the real world, the real world of poverty, unemployment, crime, inadequate health care, overcrowded schools, nonexistent transportation facilities. Just a short time ago, the Congress was told that its expenditures on these problems were inflationary. But in truth nothing is more inflationary than military spending, since it does not provide any of the goods and services which our people desire.

We can meet the problems of the real world, including inflation, if we spend less on weapons and release our scientific and technical resources from bondage to the Pentagon. The SALT talks are a magnificent, and perhaps fleeting, opportunity to hasten the conversion to a peacetime economy. Rather than promoting and deploying the ineffective Safeguard system, the administration should be devoting all its efforts to assuring that the SALT talks are truly successful, and that we will no longer have to spend billions of dollars on an insane strategic arms race.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 1336) to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. 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 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Friday, July 31, 1970, at 11 a.m.