that coastal zone laboratories be established in association with appropriate academic institutions to engage in the scientific investigation required in the estuarine and coastal areas. The report extensively and overwhelmingly justifies the need for a continuance and increase in the separateness of scientific research from the formal governmental structure, yet receiving full and complete federal financial support. The estuarine and coastal processes must be studied and continued in a scientific atmosphere; the results are essential to the advice of both the federal, state and local structures managing this zone.

The National Oceanic and Atmospheric Agency, under the direction of the National Sea Grant Program, should have the prime responsibility to provide institutional support for the coastal zone laboratories. The Sea Grant College and Program Act of 1966 must be amended to permit grants for the construction and maintenance of vessels and other facilities.

To integrate the coastal zone laboratory proposal into a governmental department, such as the Department of the Interior, as has been recently suggested, would be a true injustice to the effectiveness of a necessary program. To attempt to diminish the effectiveness of this independence of scientific research and to strip it from academic atmosphere, is truly unjustified and would highly detriment the effectiveness of the overall program.

The governmental structure and the Coastal Zone Laboratories recommended by the Commission can be effectively coordinated.

CONCLUSION

Thus, in conclusion, it is stressed that the type of progressive and essential program that is called for in order to obtain effective coastal zone management and balanced planning of the estuarine system cannot be accomplished by voluntary participation of the States. On the other hand, it cannot be effected by the usurption of local and state functions. The interface proposed herein provides a problem solving approach to the subject matter involved rather than a cubical-boundary governmental concept. The tremendous work product of the Commission and the years of studies and hearings relating to the estuarine demand such an effective administrative structure and such a progressive solution. The development of our jurisprudence and political concepts have truly laid the basis for an extremely progressive and pyramid type overlay in which an overall uniform federal umbrella would coordinate regional programs giving due regard and recognition to state and local functions and expertise.

SERVICE ACADEMIES FLOURISH

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. HUNT. Mr. Speaker, contrary to what one might believe from reports in the daily press, interest in a military career is still high among America's youth. Patriotism, love of country, devotion to duty and to our American ideals are not dead despite constant efforts of the news media to portray the majority of our young people in this light. I commend for your attention the following item from the July 30, 1970, issue of the Paterson, N.J. News:

SERVICE ACADEMIES FLOURISH

The largest enrollment in the history of the nation's three military service academies give the lie to student opposition to the Vietnam war. The total enrollment of 12,848 at West Point, Annapolis and Colorado Springs probably exceeds the number of hard core students who have been responsible for the trouble on the campus everywhere.

Of course, the cadets get as good an education as money can buy. It is free. They also get paid while studying. When they graduate, they pay back the taxpayers by serving a specified number of years in their chosen service. But those are incidentals. The important thing is that they will be launched on a military career that for most is for life. Their training is tough. When they get through, they are ready—as men as leaders to take command in the world's greatest military power.

This year, the class of 1974 was built with the biggest minority enrollment in history, a total of 299. West point has 107, including 40 blacks. The Air Force enrolled 140 from minority groups, including 66 blacks plus American Indians, Spanish Americans, and Oriental Americans. The Navy accepted 52 blacks, but total minority figures were not available.

Here is an All-American military machine being shaped by men who in another decade will be in command. More power to them as young Americans.

SENATE—*Wednesday, August 12, 1970*

(Legislative day of Tuesday, August 11, 1970)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. HUGH SCOTT, a Senator from the State of Pennsylvania.

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

"We thank Thee, Lord, Thy paths of service lead
To blazoned heights and down the slopes of need;
They reach Thy throne, encompass land and sea,
And he who journeys in them walks with Thee."

—*Calvin W. Laufer.*

Help us to walk with Thee this day in paths of service free, remembering that whoever would be greatest must be the servant of all. Make us equal to our high trust. Make us just, honest, and fair in our demeanor that by our efforts the highest and best purposes of the Nation may be furthered. Show us clearly what our duty is and help us to be faithful in doing it. And to Thee shall be the praise and the glory. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 12, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HUGH SCOTT, a Senator from the State of Pennsylvania, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. SCOTT thereupon took the chair as Acting President pro tempore.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, notwithstanding the rule of germaneness, there be a brief period for the transaction of routine morning business, with a 3-minute limitation therein, until the Senate is prepared to proceed with the pending business.

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

ORDER OF BUSINESS

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for not to exceed 30 minutes tomorrow, following the speech by the distinguished Senator from Oklahoma (Mr. BELLMON).

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

PROPOSED AMENDMENT TO THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Mr. MANSFIELD. Mr. President, there appears on the Legislative Calendar Order No. 1101, House Joint Resolution 264, proposing an amendment to the

Constitution of the United States relating to equal rights for men and women.

Before action was taken yesterday to refer this joint resolution to the calendar under Senate rule XIV, this matter was discussed with the distinguished chairman of the Committee on the Judiciary. He understood fully the action that was undertaken.

I tried to get in touch with the distinguished Senator from Mississippi (Mr. EASTLAND) a short time ago but, unfortunately, was unable to do so because of the early convening of the Senate this morning.

I intend to talk to him later. I have, however, spoken with the distinguished Senator from Indiana (Mr. BAYH), the chairman of the Subcommittee on Constitutional Amendments which has jurisdiction of this joint resolution. It is my understanding that a companion Senate joint resolution has been reported to the full committee and that the committee is meeting on it this morning.

It is the hope of the joint leadership that this joint resolution will be reported on its own, hopefully today, or very shortly, and that there will be no amendments or appendices or ancillary proposals of any kind attached to it.

We feel that this is most important, that it would be best to give it consideration on the basis of what it stands for, and what it stands for alone, unencumbered with other proposals.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Republican leader.

Mr. SCOTT. I am aware of the presence on the calendar of the proposed constitutional amendment to establish the constitutional principle of equal rights for men and women, and that the Judiciary Committee is in session today. As a member of that committee, I expect to be there to support a favorable reporting of the constitutional amendment.

I think it is rather interesting that for 40-some-odd years, the men of two congressional bodies have steadfastly and with singular persistence dodged the opportunity, avoided, evaded, and slipped out from under the opportunity to act on this constitutional amendment.

I do not know whether it will make women more equal than men, or less equal. The only purpose is to provide for equality of treatment.

One of my college professors used to propose a toast from time to time: "Here's to women. Once our superior, and now our equal."

In my judgment, this amendment deserves to be passed and sent out to the States for ratification. I do not know what it would do to the Armed Forces; but the presence of the ladies in the Armed Forces in recent years has certainly been salubrious and has contributed to the good order and well-being of the armed services. They have, indeed, taken over many jobs which had been performed by men, and they are now being performed better by women. So this is a "long-last" situation, and I congratulate the distinguished majority leader on his perception in acting to make sure that the Senate will be expeditious in agreeing to the joint resolution.

Mr. MANSFIELD. May I say to the distinguished Republican leader that this was not done on the basis of the initiative of the majority leader but on the basis of the initiative of the joint leadership. The Senator from Pennsylvania will recall that I discussed this matter with him before.

Mr. SCOTT. That is right.

Mr. MANSFIELD. I should point out that the Senate has twice, to my recollection, passed this particular joint resolution. The last time, I believe, was in the year 1953.

Thus, I would hope that, on behalf of both of us, the distinguished Senator from Pennsylvania, the Republican leader, when he goes to the committee meeting this morning will convey our feelings to the chairman, whom I tried to contact this morning, and to the committee as a whole, in the hope that speedy action will be taken on the joint resolution.

Mr. SCOTT. I will be happy to do so.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 11, 1970, be approved.

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

EXTENSION OF TERM DURING WHICH THE SECRETARY OF INTERIOR CAN MAKE FISHERIES LOANS UNDER THE FISH AND WILDLIFE ACT OF 1956

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3102.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate the amendment of the House of Representatives to strike out all after the enacting clause, and insert:

That section 4(c) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. 742c(c)), is further amended by changing the date "June 30, 1970" to "June 30, 1980" where it appears three times.

SEC. 2. Section 4(b) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(b)) is amended by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

"(7) An applicant for a fishery loan must be a citizen or national of the United States.

"(8) Within the meaning of this section, a corporation, partnership, or association shall not be deemed to be a citizen of the United States unless the Secretary determines that it satisfactorily meets all of the requirements set forth in section 2 of the Shipping Act, 1916, as amended, for determining the United States citizenship of a corporation, partnership, or association operating a vessel in the coastwise trade.

"(9)(A) The nationality of an applicant shall be established to the satisfaction of the Secretary. Within the meaning of this section, no corporation, partnership, or association organized under the laws of American Samoa shall be deemed a national of the United States unless 75 per centum of the interest therein is owned by nationals of the United States, citizens of the United States, or both, and in the case of a corporation, unless its president or other chief executive officer and the chairman of its board are nationals or citizens of the United States and unless no more of its directors than a minority of the number to constitute a quorum are nonnationals and noncitizens.

"(B) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by nationals of the United States, citizens of the United States, or both, (i) if the title to 75 per centum of its stock is not vested in such nationals and citizens free from any trust or fiduciary obligation in favor of any person not a national or citizen of the United States; or (ii) if 75 per centum of the voting power in such corporation is not vested in nationals of the United States, citizens of the United States, or both; or (iii) if through any contract or understanding it is so arranged that more than 25 per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a national or citizen of the United States; or (iv) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a national or citizen of the United States."

SEC. 3. The provisions of this Act shall be effective July 1, 1970. Notwithstanding the provisions of section 4(c) of the Fish and Wildlife Act of 1956, as amended, any balance remaining in the fisheries loan fund at the close of June 30, 1970, shall be available to make loans for the purposes of section 4 of said Act from July 1, 1970, to the close of June 30, 1980.

And amend the title so as to read: "An Act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LOWERING OF THE VOTING AGE

Mr. MANSFIELD. Mr. President, if I may be recognized for 2 more minutes, and if no other Senator wishes to speak at this time, I should like to report to the Senate that at the Democratic policy committee meeting on yesterday, announcement was made to the committee of the intention of the joint leadership concerning the equal rights amendment. The committee was also informed at that time that the President pro tempore had indicated he would take appropriate action under the terms of Senate Resolution 436, a resolution providing for the appointment of counsel to represent the Senate in an amicus curiae capacity in appropriate judicial proceedings dealing with the statute lowering the voting age and for other purposes. In other words, if and when that resolution is adopted, the President pro tempore has agreed to appoint counsel to represent the Senate at that time.

Furthermore, at the meeting of the policy committee on yesterday, the committee unanimously agreed that Walter W. Heller, regents professor of economics, University of Minnesota; Gardner Ackley, professor of economics, University of Michigan, and Arthur M. Okun,

senior fellow, Brookings Institution—all former chairmen of the President's Council of Economic Advisers during 1961–69—should be requested to analyze the course of economic developments in the United States for the past year and a half, pinpointing the sources of increasing unemployment and declining profits and evaluating the strategy employed in pursuing price stability. The committee also agreed to ask the three economists to set forth the prospects for the months ahead and their implications for economic policy. The requests were subsequently made and these distinguished economists have agreed to undertake this assignment for the policy committee.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I was not previously aware of the designation of this committee. Could the majority leader indicate whether he is acting on behalf of the Democratic policy committee or on behalf of the Senate?

Mr. MANSFIELD. On behalf of the policy committee only and at its request. It is an attempt to keep up with the economic trends and happenings and, hopefully, to develop ways by means of which we can be helpful to the President and the administration in coping with the inflation which, I understand, now is running around 6 percent a year and with unemployment, which is running about 5 percent a year and which, in my State, is running closer to 7 percent a year. This is a most critical situation and the administration, I am confident, will welcome every bit of assistance offered. The economy simply must be brought out of its tailspin.

Mr. SCOTT. Mr. President, with regard to the resolution to appoint counsel for the Senate, I have discussed this matter with a number of Senators. While I do not know what the final judgment would be, there does exist a feeling that the matter of the constitutionality of the 18-year old voting age amendment should be tested, but that it should be tested by the Nation's chief law officer, the Attorney General of the United States, and, as the distinguished majority leader knows, the Attorney General of the United States has indicated that he would act to support and defend this act of Congress and argue for the constitutionality not only of the 18-year-old voting age, but also of the voting rights extension, which I think is pretty generally agreed to be constitutional, and the abolition or banning of literacy tests, and whatever else may be in the bill.

There may be some difference of opinion here, which in no way would reflect on counsel, if finally selected, because counsel would be of distinction and ability.

There may be a feeling that this should be done entirely by the Attorney General of the United States. However, others might feel that the Senate would need counsel.

I do not want to prejudice this except to state that two points of view do exist.

Mr. MANSFIELD. Mr. President, the distinguished minority leader has been most understanding on this matter. I have endeavored to keep him informed all along. He has discussed it with his colleagues in conference.

I agree with him completely about what he has said concerning the initiative of the Attorney General of the United States who has stated in unequivocal terms what he intends to do. The only reason why this suggestion is brought forth is that the genesis for this amendment was here in the Senate.

We would, therefore, like to be helpful to the Attorney General. Certainly, we have no reason to question his judgment, his desires, his competence, or his integrity. Our desire is only to be helpful; it is to see not only that this matter is resolved as expeditiously as possible, but to see that the decision of the Senate in establishing by statute the 18-year-old vote is upheld as constitutional. Part of the problem lies in the fact that the matter cannot be raised before October because the Supreme Court, as usual, is taking its 3-month recess and will not again convene until that time. Therefore, it cannot make final disposition of this matter until then, at least.

Moreover, by this resolution we only ask that the Senate's position be represented in a so-called amicus capacity; in other words a friendly capacity—one which will serve to complement the position taken by the Attorney General and the chief representative of the United States in the Supreme Court, the Solicitor General. The Senate has appointed counsel to represent its viewpoint on legislation in the past. There is precedent for this action.

Mr. SCOTT. Mr. President, I thank the majority leader.

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. MCCARTHY) laid before the Senate a message from the President of the United States submitting the nomination of Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Armed Services, without amendment:

S. 4148. A bill to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents (Rept. No. 91–1091).

By Mr. MCGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 437. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement (Rept. No. 91–1092); and

S. 578. A bill to include firefighters within the provisions of section 8336 (c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations (Rept. No. 91–1093).

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

S. 1943. A bill for the relief of Arie Abramovich (Rept. No. 91–1095);

S. 3702. A bill for the relief of Dr. Nahid Mansoori Diaz (Rept. No. 91–1096);

S. 3796. A bill for the relief of Reynaldo Canlas Baecher (Rept. No. 91–1097);

S. 3853. A bill for the relief of Mrs. Pang Tai Tai (Rept. No. 91–1098);

H.R. 1749. An act for the relief of Eagle Lake Timber Company, a partnership of Susanville, Calif. (Rept. No. 91–1099);

H.R. 2849. An act for the relief of Anan Eldredge (Rept. No. 91–1100);

H.R. 5655. An act for the relief of Low Yin (also known as Low Ying) (Rept. No. 91–1101);

H.R. 12400. An act for the relief of Tae Pung Hills (Rept. No. 91–1102);

H.R. 12446. An act to confer U.S. citizenship posthumously upon Jose Guadalupe Esparza-Montoya (Rept. No. 91–1103);

H.R. 12959. An act for the relief of Gloria Jara Haase (Rept. No. 91–1104);

H.R. 13265. An act to confer U.S. citizenship posthumously upon L. Cpl. Frank J. Krec (Rept. No. 91–1105);

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto (Rept. No. 91–1106);

H.R. 13712. An act for the relief of Vincenzo Pellicano (Rept. No. 91–1107);

H.R. 13895. An act for the relief of Mrs. Maria Eloisa Pardo Hall (Rept. No. 91–1108);

H.R. 13971. An act granting the consent of Congress to the Falls or the Ohio Interstate Park Compact (Rept. No. 91–1109);

H.R. 13997. An act to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma (Rept. No. 91–1110); and

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes (Rept. No. 91–1111).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3032. A bill for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza (Rept. No. 91–1112);

S. 3419. A bill for the relief of Capt. Claire E. Brou (Rept. No. 91–1113);

S.J. Res. 67. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin (Rept. No. 91–1114);

H.R. 2043. An act for the relief of Keum Ja Franks (Rept. No. 91–1115); and

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein (Rept. No. 91–1116).

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

S. 3529. A bill for the relief of Johnny Trinidad Mason, Jr. (Rept. No. 91–1117).

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the

Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administation, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1118).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

J. Fred Buzhardt, Jr., of South Carolina, to be General Counsel of the Department of Defense.

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

Marshall F. Rousseau, of Texas, to be U.S. marshal for the southern district of Texas;

Jose A. Lopez, of Puerto Rico, to be U.S. marshal for the district of Puerto Rico;

Edward S. King, of New York, to be U.S. marshal for the western district of New York;

George Beall, of Maryland, to be U.S. attorney for the District of Maryland;

Juan C. San Agustin, of Guam, to be U.S. marshal for the District of Guam; and

Johnny M. Towns, of Alabama, to be U.S. marshal for the northern district of Alabama.

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

Charles K. Koval, of Pennsylvania, to be U.S. marshal for the western district of Pennsylvania.

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. MURPHY:

S. 4215. A bill to authorize the Secretary of the Interior to engage in a feasibility study of the Salton Sea Project, California; to the Committee on Interior and Insular Affairs.

By Mr. DODD:

S. 4216. A bill for the relief of Gloria Talinao; and

S. 4217. A bill for the relief of Gaspar Ramos; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 4218. A bill for the relief of Angeles Palaginog; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 4219. A bill for the relief of Armando Franco Eduardo;

S. 4220. A bill for the relief of Jose Gomes Caetano;

S. 4221. A bill for the relief of Antonio dos Santos;

S. 4222. A bill for the relief of Francisco F. Feleciano;

S. 4223. A bill for the relief of Mario Nicolau;

S. 4224. A bill for the relief of Americo Oliveira; and

S. 4225. A bill for the relief of Alvarino Martins de Lemos; to the Committee on the Judiciary.

By Mr. GORE:

S. 4226. A bill for the relief of Michel Louis Rouchy; to the Committee on the Judiciary.

By Mr. McGEE (for himself, Mr. BURDICK, Mr. HARRIS, Mr. HARTKE, Mr. HOLLINGS, Mr. MOSS, Mr. RANDOLPH, Mr. YARBOROUGH, and Mr. STEVENS):

S. 4227. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PASTORE:

S. 4228. A bill for the relief of Maria de Lourdes Moitoso Mota; to the Committee on the Judiciary.

By Mr. FONG:

S. 4229. A bill to amend section 5(c) of the Home Owners' Loan Act of 1933; and

S. 4230. A bill to amend section 5(c) of the Home Owners' Loan Act of 1933; to the Committee on Banking and Currency.

S. 4231. A bill for the relief of Adelaide Vinoya Albano; and

S. 4232. A bill for the relief of Talo Huahulu; to the Committee on the Judiciary.

By Mr. MURPHY (for himself, Mr. PACKWOOD and Mr. FANNIN):

S. 4233. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to cooperate with such international organizations, or refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 4234. A bill relating to the relocation of the Village of Niobrara, Nebr., the acquisition of Niobrara State Park, and the construction of certain substitute facilities; to the Committee on Public Works.

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

By Mr. HRUSKA:

S. 4235. A bill to continue the jurisdiction to the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970; to the Committee on the Judiciary.

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

By Mr. MOSS:

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week"; to the Committee on the Judiciary.

(The remarks of Mr. Moss when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. HARRIS:

S.J. Res. 229. Joint resolution establishing National Good Grooming Week; to the Committee on the Judiciary.

(The remarks of Mr. HARRIS when he introduced the joint resolution appear below under the appropriate heading.)

SENATE JOINT RESOLUTION 228—INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE "NATIONAL PTA WEEK"

Mr. MOSS. Mr. President, I introduce a joint resolution to authorize the President to declare the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week."

I think it is safe to say there is no more respected organization in the country than the National Congress of Parents and Teachers. Each parent-teacher association has its own characteristics, but each has as its underlying purpose the promotion of the welfare of children and youth. And this unites all PTA's and gives continuity and nationwide significance to their work.

PTA was founded in Washington in 1897 as a volunteer organization. There are now more than 140,000 local parent-teacher associations, and 52 branches, which include all of the States in the Union, the District of Columbia, and the European Congress of American Parents and Teachers. The present membership of all local PTA's totals almost 10 million—and if the number of people who have previously worked in the organization—who have been active at some time in their life—were added the total would be several times that great.

Certainly, it is time that the Nation pay recognition to those millions of Americans who today, and in the past, have dedicated themselves to promoting the welfare of our young people, to seeing that they get the best the Nation can offer—with such signal success.

I ask unanimous consent that the full text of the joint resolution be printed in the RECORD at the close of this statement.

The PRESIDING OFFICER (Mr. GOLDWATER). The joint resolution (S.J. Res. 228) to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week," introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 228

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the important contributions of the parent-teacher movement to the American way of life, and the continuing efforts of the National Congress of Parents and Teachers (National PTA) to provide quality living and quality learning for all Americans, the President is hereby authorized and requested to issue a proclamation designating "National PTA Week" from October 5, 1970, to October 9, 1970, and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

SENATE JOINT RESOLUTION 229—INTRODUCTION OF JOINT RESOLUTION ESTABLISHING NATIONAL GOOD GROOMING WEEK

Mr. HARRIS. Mr. President, the more than 38,000 drycleaners in America are proud of their role as one of the active forces that help Americans maintain their status as the best groomed people in the world.

Representatives of the drycleaning industry are located in every community in the United States, and employ over 300,000 persons.

Thanks to this industry, Americans may go to work, to school, to church, or to social gatherings in clean freshly pressed garments composed of a variety of materials and styles.

The national association of this industry maintains research facilities and schools which insure that the Nation's drycleaners will be able to service whatever new styles and materials that the American public might wish to wear. They also maintain liaison with the garment manufacturing industry to insure that new fashions will be serviceable.

Last year Americans spent over $2⅓ billion on drycleaning.

Therefore, America's drycleaners, acting as representative small businessmen serving citizens in virtually every community, urge that a joint resolution be passed designating the period of November 16 through November 22, 1970 as Good Grooming Week. During this period the drycleaning industry may be joined by all business and community groups who wish to emphasize the importance of good grooming in a joint effort to promote the virtues of this desirable character trait throughout our Nation.

I hope that all my colleagues will join with me in supporting this joint resolution which is desired by the drycleaning industry as a tribute to all Americans who recognize the importance of good grooming habits in their everyday life, and in doing so, convey a most favorable impression of the American people to the rest of the world.

The PRESIDING OFFICER (Mr. GOLDWATER). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 229) establishing National Good Grooming Week, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 3528

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of S. 3528, to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes.

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

S. 4079

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of S. 4079, to increase the authorization for annual contributions in aid of low-rent public housing.

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

SENATE CONCURRENT RESOLUTION REPORTED FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS (S. REPT. NO. 91-1094)

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original concurrent resolution (S. Con. Res. 79); and submitted a report thereon, which report was ordered to be printed, and the concurrent resolution was placed on the calendar:

S. CON. RES. 79

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

[redacted], Ching, Tsing.
[redacted], Lopez, Francisco Rodriguez.
[redacted], Woo, Poy Tom.
[redacted], Yip, Har.
[redacted], Louie, Fook Leong.
[redacted], Eng, Kung Doo.
[redacted], Pinon-Granados, Remedios.
[redacted], Rojas-Gutierrez, Eleodoro.
[redacted], Romero, Fortunato.
[redacted], Eha, Elmar.
[redacted], Kowk, Kee Dong.
[redacted], Fong, Shue Kee.
[redacted], Gonzalez-Urena, Ramon.
[redacted], Kowal, John.
[redacted], Lee, Dom Min.
[redacted], Spiegel, Max.
[redacted], Abrams, Samuel S.
[redacted], Asencio-Placencio, Pedro.
[redacted], Baglieri, George.
[redacted], Chu, Nee Chong.
[redacted], Cooremans-Cruz, Eugenio Juan.
[redacted], DeBravo, Cenovia Mesa.
[redacted], De Luna-Segovia, Jose.
[redacted], Gong, Yicke.
[redacted], Gonzalez, Magana, Luis.
[redacted], Hagglund, Nils Ture.
[redacted], Lee, High Suey.
[redacted], Louie, Fung Leung.
[redacted], Lum, Ting Kam.
[redacted], Marcus, Harry Aaron.
[redacted], Martinez-Figueroa, Samuel.
[redacted], Riccioli, Paoli.
[redacted], Smeriga, John.
[redacted], Yim, Chee.
[redacted], Chin Huey.
[redacted], Chin, Kay Ming.
[redacted], Fat, Tong Li.
[redacted], Fong Mun Quong.
[redacted], Nebelsky, Manfred Robert.
[redacted], Valencia-Sanchez, Enrique.
[redacted], Araujo, Maria Freitas.
[redacted], Chan, Yuen Hing.
[redacted], Don, Hing Lew.
[redacted], Russo, Maria Isaura.
[redacted], Wong, Quong.
[redacted], Wong, Yen Kwong.
[redacted], Young, Gim Lung.
[redacted], Yuen, Chung Ng.
[redacted], Cuervo, Ester.
[redacted], Hom, Wai Kwong.

SENATE RESOLUTION 442—RESOLUTION REPORTED RELATING TO INVESTIGATION OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 442); which was referred to the Committee on Rules and Administration:

S. RES. 442

Resolved, That Senate Resolution 336, Ninety-first Congress, second session, agreed to February 16, 1970 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "$230,000" and inserting in lieu thereof "$240,000".

SENATE RESOLUTION 443—RESOLUTION SUBMITTED TO EXTEND THE CONGRATULATIONS OF THE SENATE TO JEWISH WAR VETERANS OF THE UNITED STATES

Mr. HARTKE. Mr. President, I submit for the consideration of the Senate, a resolution conveying the sense of gratitude and pride of the U.S. Senate and of the American people in the accomplishments and achievements of Americans of the Jewish faith who have served in the defense of this Nation in the Armed Forces of the United States in all the wars of our brief but stormy history. I ask unanimous consent that the resolution be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CRANSTON). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 443) was referred to the Committee on Armed Services, as follows:

SENATE RESOLUTION 443

Whereas service in the military has special significance for Americans of the Jewish faith, since during the Middle Ages, their ancestors were denied the right to bear arms and the opportunities for citizenship which were granted to the citizen-soldier, and

Whereas, from the days in 1664, when Asser Levy successfully petitioned the military governor of New Amsterdam (now New York) to stand watch and subsequently gained rights of citizenship, Jews have participated in every war in our nations' defense, and

Whereas, cognizant of their obligations as citizens, Jewish veterans who fought in the Civil War in 1896 organized into an association to advance the principles of democracy for which they and their comrades in arms risked their lives in battle, and

Whereas, the Jewish War Veterans is now the oldest, active veterans organization in this country, and for the past seventy-five years since their founding, have been in the forefront to advance the rights of all minority groups who have sought freedom on these shores, have pursued diverse community service projects not only to provide aid and comfort to the less fortunate veteran and his dependents, but to extend their assistance to all in need in our society, and have staunchly backed the aspirations of Israel for freedom and independence,

Therefore be it resolved, That the United States Senate express its sense of gratitude for the accomplishments and achievements of Americans of the Jewish faith who have served in the defense of this nation in the Armed Forces of the United States in all our Nation's wars and

That the U.S. Senate offer its congratulations to the Jewish War Veterans of United States of America on their seventy-fifth, "Diamond Jubilee Anniversary."

ESTABLISHMENT OF IMPROVED PROGRAMS FOR AGRICULTURE—AMENDMENT

AMENDMENT NO. 836

Mr. MONTOYA. Mr. President, today I am submitting an amendment to H.R. 18546, the agricultural bill passed by the House of Representatives on August 5. I ask that my amendment be printed and referred to the appropriate committee.

My amendment applies only to the feed grains title of the farm bill. I hope, however, that in the Senate we can take a very careful look at every aspect of this bill and strengthen it wherever it is weak.

All of the commodities in the farm bill are important to my State of New Mexico. For 1969, total base or allotment acreage in New Mexico included 875,474 acres of feed grains, 427,676 acres of wheat, and 171,147 acres of cotton. New

Mexico farmers in 1969 planted 476,000 acres of feed grains, 288,000 acres of wheat, and 163,000 acres of cotton. In the same year, farmer-stockmen in New Mexico marketed 6,281,000 pounds of shorn wool, 18,928,000 pounds of unshorn lambs, and 172,000 pounds of mohair.

For feed grains, title V of the House-passed bill would support farm prices by providing a payment for corn at such rate as, together with the national average market price received by farmers during the first 5 months of the marketing year, will be not less than $1.35 per bushel on 50 percent of the farmers' base acreage. Payments for grain sorghum and other feed grains would be at such a rate as the Secretary of Agriculture determines fair and reasonable in relation to the rate of payment for corn. The level on nonrecourse loan on feed grains—available for the entire base acreage for farmers participating in the program—would be set by the Secretary between zero and 90 percent of the parity price of each of the feed grains.

The House bill, therefore, sets the total level of price support for feed grains as a fixed dollar figure—$1.35 per bushel for corn—rather than in relation to parity. No floor is established under the loan. If this provision was in effect for the 1970 crop year, the probable effect would be to support feed grains prices at a rate roughly equivalent to 76 to 77 percent of parity. The $1.35 per bushel support for corn is equal to 76.3 percent of $1.77, or the parity price of a bushel of corn in July 1970. However, since the support level is frozen at the fixed $1.35 figure for the 3-year duration of the House bill, the level of support in parity equivalency would deteriorate yearly over the 3-year period as farmers' costs of production increase. If production costs go up during 1970–73 at the same rate as 1967–70, for the 1973 crop year the House bill would support feed grains prices at only 70.5 percent of parity. This means that price support for feed grains would sink below the current general farm parity ratio of 72, which is the lowest that it has been since the great depression.

Furthermore, on the one-half of a farm's feed grains base that is ineligible for payments, the House bill would support prices of feed grains at whatever level of nonrecourse loan is set by the Secretary. The producer may get no effective support at all on this portion of his acreage if the Secretary holds the loan below prevailing market prices.

Because of these shortcomings, the House bill does not do justice to producers of corn, grain sorghum, and other feed grains across the United States. Actually, it fails to do justice to the Nation as a whole, since past experience indicates that a weak agricultural sector tends to keep the entire American economy from reaching and maintaining its full growth potential.

My amendment would strengthen the feed grains title of the House bill in at least two ways. First, it will insure that farmers' income on the 50 percent of his feed grains base that is eligible for payments will increase proportionately with his costs of production. The amendment places a floor of 77 percent of parity under the payment rate for feed grains. The concept of parity in many minds is shrouded in ambiguity, and often evokes an image of a bygone era. But farm people do not attach themselves to the parity concept out of an emotional or irrational appeal. They understand that parity is the proven way to insure that—as shipping rates, taxes, labor, and other farming expenditures essential for production escalate—their constant dollar income will not be steadily reduced.

The support floor of 77 percent of parity was selected for the amendment because it is approximately the level that the House bill would initially support feed grains prices. Thus, my amendment is not designed to increase the support level above the first-year parity equivalency of the House bill. Rather, the amendment only provides a hedge against inflation that otherwise could erode constant dollar support over the 1971–73 period.

Second, by providing that the payment rate on the eligible 50 percent of feed grains acreage shall be the difference between 77 percent of parity and the loan rate, the Secretary of Agriculture probably would hold the loan rate—which applies to a participating farmer's entire feed grains acreage—at a somewhat higher level than would otherwise be the case. The Secretary would still be able to set the loan so as to facilitate exportation of feed grains. At the same time, he would be encouraged in establishing the loan level to take at least two other important factors into consideration: the needs to provide some support to that portion of the crop that is not eligible for payments, and to maintain at all times an adequate supply of feed grains so that consumers are never faced with food shortages.

My amendment is not a costly or drastic change in the bill passed by the House of Representatives. It would nevertheless add strength and effectiveness to the feed grains title. If the House bill becomes law in its present form, it will mean that farmers who cultivate corn, grain sorghum, and other feed grains will have their income and purchasing power substantially cut over the next 3 years. Many farm families—and most of the growers of feed grains in my State are relatively small, family-farm operations—would be forced to postpone purchase of a better automobile, repairs on the farm home, or even replacement and repair of equipment necessary for efficient crop production. The detrimental effects of this unhealthy condition in agriculture would spill over to affect bankers, automobile dealers, and other nonfarm elements of the economy.

Mr. President, the amendment to the agricultural bill that I propose today is realistic, workable, and desirable. I solicit and will deeply appreciate the support of my colleagues in behalf of this proposal.

The PRESIDING OFFICER (Mr. HOLLINGS). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 836) was referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 765 TO H.R. 17123

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at the next printing, the name of the Senator from Wisconsin (Mr. PROXMIRE) be added as a cosponsor of amendment No. 765, an amendment for an all-volunteer Armed Force, amending H.R. 17123, the Military Procurement Authorization Act.

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

AMENDMENT NO. 821 TO H.R. 17123

Mr. BENNETT. Mr. President, on behalf of the Senator from Massachusetts (Mr. BROOKE), I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from Kentucky (Mr. COOK) be added as cosponsors of amendment No. 821 to H.R. 17123, to authorize appropriations for military procurement and other purposes.

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

NOTICE OF HEARING ON NOMINATION OF MANUEL RUIZ, JR., OF CALIFORNIA TO BE A MEMBER OF THE CIVIL RIGHTS COMMISSION

Mr. ERVIN. Mr. President, as chairman of an ad hoc subcommittee of the Committee on the Judiciary, I wish to announce that a hearing will be held on the nomination of Manuel Ruiz, Jr., to be a member of the Commission on Civil Rights.

The hearing is scheduled for August 25, 1970, at 10:30 a.m., in room 2228 of the New Senate Office Building. Any person who wishes to testify or submit statements pertaining to this nomination should send the request or prepared statement to the subcommittee, 102–B Old Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

PENNSYLVANIA'S HUGH SCOTT A REAL FRIEND OF SENIOR CITIZENS

Mr. FONG. Mr. President, the able and distinguished minority leader, the senior Senator from Pennsylvania (Mr. SCOTT) has compiled an impressive record of friendship and service to older Americans during his nearly 12 years in the U.S. Senate.

Although his State has a large population and widely diverse problems demanding his attention, it is a real credit to HUGH SCOTT that he has never forgotten the needs of its senior citizens.

As he recently stated:

Today's retirees are responsible for our Nation's present greatness. We must act to

ensure that they continue to enjoy the fruits of their many years of labor.

Time and again HUGH SCOTT has demonstrated his concern for the special needs and requirements of retirees and elder Americans. As a member of the Special Committee on Aging. I am delighted that our Senate minority leader works so hard in their behalf.

I ask unanimous consent that there be printed in the RECORD a summary of legislation and votes of Senator HUGH SCOTT of benefit to senior citizens of America.

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

SENATOR SCOTT ACTS ON LEGISLATION FOR SENIOR CITIZENS

Senator Hugh Scott, Minority Leader of the United States Senate, has consistently acted to assist our Nation's senior citizens to obtain the full and free enjoyment of the retirement years they deserve.

Senator Scott's efforts to improve the Social Security system have had a tremendous impact on Pennsylvanians receiving old age, survivors and disability insurance payments. The so-called Scott "expedited payments" plan, now a part of the Social Security law, ensures that Social Security recipients will get their checks on time. In addition, Senator Scott recognizes that Social Security payments have never kept pace with the rising cost of living and has always urged automatic cost-of-living increases in Social Security benefits.

Senator Scott recently stated, "Today's retirees are responsible for our Nation's present greatness. We must act to ensure that they continue to enjoy the fruits of their many years of labor."

91ST CONGRESS

Legislation

S. 819—To exempt Senior Citizens from *admission fees* to National Parks and forests.

S. 1179—To provide *reduced air fares* for Senior Citizens.

S. 1896—To include *dental and eyecare and hearing aids* among the benefits provided by Medicare.

S. 2037—To authorize grants for the construction or modernization of *Neighborhood Health Centers.*

S. 2184—To include *prescribed drugs* under coverage of the supplementary medical insurance program for the aged.

S. 2518—To liberalize conditions governing eligibility of *blind persons* to receive disability insurance benefits.

S. Amdt. 117—Scott-Williams Amendment to create a *Small-Investor Savings Bond* paying 6% interest.

S. Amdt. 682—To provide a *minimum monthly Social Security benefit of $100 and* increases in larger monthly benefits.

S. Amdt. 683—To *increase special age 72 Social Security benefits by 10%.*

S. Amdt. 684—To increase *outside earnings limitation* for Social Security beneficiaries to $2,400.

S. Amdt. 785—To permit *all persons reaching the age of 70 before January 1, 1972 to be eligible for special benefits under Social Security.*

Votes

Voted for a *15% across-the-board increase in Social Security benefits and automatic cost-of-living increases.*

Voted for a *15% increase in Railroad Retirement benefits.*

Voted for the *Emergency Home Financing Act to help relieve shortage of homes and home-financing funds.*

90TH CONGRESS

Legislation

S. 35—To amend the Internal Revenue Code to extend *head-of-household tax benefits* to widows, widowers, and individuals 35 or older who maintain their own households.

S. 291—To increase *out-side earnings limitation for Social Security recipients* to $3000.

S. 2053—To provide for *periodic cost-of-living increases for Social Security* recipients.

S. 3702—To assist physicians in prescribing *drugs covered under Federal-state health programs* and to encourage economy in the prescribing and dispensing of prescription drugs.

S. 3732—To create a *Catalogue of Federal Assistance Program* to aid persons in determining whether they qualify for assistance programs.

S. 3771—To allow individuals to continue to purchase *vitamin and mineral supplements* without a prescription.

Votes

Voted against increasing high earning years used in computation of *Civil Service Retirement Benefits.*

Voted for Economic Opportunity Act of 1969 including additional appropriations for the *Senior Opportunities and Services Program.*

Voted to allow Senior Citizen *welfare recipients* to retain a portion of state welfare payments irrespective of the 15% Social Security increase.

Voted to extend grant provisions for Senior Citizens under the *Older American Act Amendments of 1967.*

Voted for the Housing and Urban Development Act of 1968 including programs of *low cost rental and cooperative housing for the elderly.*

89TH CONGRESS

Legislation

S. 1140—To authorize retirement without reduction in annuity for *Civil Service employees* with 20 years of service who are involuntarily separated from service by reason of the abolition or relocation of their employment.

Votes

Voted to remove existing discriminatory provisions against spouses under *Railroad Retirement Act.*

Voted to increase annuities for *Civil Service Retirees.*

Voted *to retain the medicare provisions* of the Social Security Amendments of 1965.

Voted *to provide limited disability insurance benefits for the partially blind.*

Voted *for the Social Security Amendments of 1965,* including the *Medicare* and *Medicaid* programs.

Voted for the Housing and Urban Development Act of 1965 including *rent supplements* for low-income tenants.

Voted for the Economic Opportunity Amendments of 1965 under which the *Foster Grandparent Program* was established.

Voted *for special Social Security benefits for certain previously ineligible persons over 72.*

Voted *for Federal Salary and Fringe Benefits Act of 1966* which allows retirement at full annuity at age 55 after 30 years of service and at age 60 after 20 years of service.

88TH CONGRESS

Legislation

S. 1262—To improve Social Security *disability benefits for the blind.*

S. 2181—To improve *rehabilitation programs for the blind* under the Social Security Act.

S. 2385—To improve *State medical assistance programs for the aged.*

Votes

Voted for the *Social Security Amendments of 1964* including increased benefits.

Voted for the Hospital and Medical Facilities Construction Act Amendments of 1964 which increased funds for *grants for the construction of nursing homes.*

Voted for the Housing Act of 1964 including increased funds for loans to non-profit sponsors of *rental housing for the elderly,* and provided for low-interest *rehabilitation loans for private home owners.*

87TH CONGRESS

Legislation

S.J. Res. 27—To declare May of each year as *Senior Citizens Month.*

S. 937—The Old Age Health Insurance Program to provide a program of Federal matching grants to States to provide *health insurance for persons 65 or older at reduced rates.*

S. 3384—*To allow a tax deduction for travel expenses to and from work for disabled persons.*

Votes

Voted *for an increase in Civil Service Annuities.*

Voted for the Housing Act of 1961 providing direct *loans for housing for the elderly* and increased the Federal contribution *to low-rent public housing occupied by Senior Citizens.*

86TH CONGRESS

Legislation

S. 563—To permit an in-school child of a deceased individual to continue *eligibility for a child's Social Security benefits* between ages 18 and 21.

S. 565—To *increase from $1200 to $2400 the allowable outside income for Social Security recipients* without suffering deductions from benefit checks.

S. 3330—To permit needy children deprived of parental support to be eligible for assistance under the State plans for *aid to dependent children.*

Votes

To provide *voluntary participating health benefits plan for persons 65 or over* whose income is not more than $3000 individually or $4500 per couple who are not recipients of public assistance.

Voted to include *tubercular and mentally ill patients* in medical care for the aged provisions of the Social Security Amendments of 1960.

Voted *for the Social Security Amendments of 1960,* which eliminated the age of 50 as a minimum to qualify for disability benefits and liberalized the *retirement test* for eligibility.

Voted *to increase the minimum benefit levels* under old age, survivors and disability insurance payments from $40 to $70 monthly.

Senator Scott's action on behalf of Pennsylvania's senior citizens means they now have more money with which to enjoy their retirement years.

THE ENACTMENT OF THE POSTAL REORGANIZATION BILL SIGNALS THE END OF PUBLIC SERVICE AND THE BEGINNING OF INCREASED POSTAL COSTS AND WORSENED POSTAL SERVICE TO THE PEOPLE

Mr. YARBOROUGH. Mr. President, today is truly a dark day in the history of the Nation. Today the President will, by signing the postal reorganization bill, approve the destruction of America's oldest public institution, the U.S. Post Office. On this important day in our history, I think it is only proper to stop and reflect on what this bill will mean to the American people.

First, the average American is going to encounter increasing postal costs and receive less service. This morning's Washington Post contains an interview with Postmaster General Blount in which he frankly stated that the price of stamps would increase from 6 to 8 cents early next year and would go even

higher in the months to come. This clearly shows that the Post Office will be used as an agency to collect revenues from the people who are least able to pay instead of taxing those individuals and companies who are actually costing our Government money.

Second, the postal workers of America will lose in the long run $1,000,000,000 in wages as a result of this bill. As Postmaster General Blount admitted, "We've got the tools to hold down costs."

This means that the first cost reductions that the new Postal Corporation will make will be in the form of service reductions and job eliminations. Thus, the postal workers have given up long-term job security for a small short-term wage increase. In my opinion, this is a very poor bargain.

As the ranking member of the Post Office and Civil Service Committee, I was invited to attend the signing ceremony for this bill. Usually to be invited to such a ceremony is an honor which I accept with pleasure. However, as I advised the Postmaster General yesterday, I cannot participate in the signing of a bill which I believe to be contrary to the best interests of the American people. In the months and years to come, I fear that Congress will regret its unwise action on this bill.

Mr. President, I ask unanimous consent that the article entitled "Price of Stamp May Pass 8 Cents," published in the Washington Post of August 12, 1970, be printed in the RECORD.

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

PRICE OF STAMP MAY PASS 8 CENTS

The price of a letter stamp, likely to rise from 6 to 8 cents early next year, will probably go even higher despite passage of reform legislation designed to cut Post Office costs, says Postmaster General Winton M. Blount.

"We've got the tools to hold down costs," Blount said in an interview, "but there's no question that over the long haul we're going to have rate increases."

Blount had said earlier he expects to make use of interim rate-setting authority granted the Post Office under the reform legislation to raise the cost of mailing a letter from 6 cents to 8 cents. But until Congress passed the reform bill last Wednesday, Blount had indicated the price of a stamp would stabilize at 8 cents for some time.

A VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, the American Friends Service Committee has long been a strong voice for human rights and individual conscience. Stewart Meacham, peace education secretary of the Friends Committee, prepared a perceptive statement for testimony befor the Senate Committee on Armed Services which unfortunately has had to postpone hearings on the draft. I ask unanimous consent that the statement be printed in the RECORD so that we might gain further insight into the problems presented by the draft and have a greater understanding of the positive consequences which would occur from the implementation of the recommendations of the President's Commission on an All-Volunteer Armed Force.

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

POSITION FOR DRAFT REPEAL

The American Friends Service Committee is opposed to the Selective Service or Draft System for the following reasons: it is inconsistent with American traditions; it is a source of the deep alienation which affects our young people; it carries us in the direction of universal enforced labor; it does violence to ethical commitments and religious beliefs; and it has a damaging effect on the mental and psychological health of many of the young people directly affected by it. Were there time one could testify rather fully on each of these negative aspects of the Selective Service System.

It should be pointed out that members of the Congress in earlier years have vigorously opposed a draft system even in war time, to say nothing of the peacetime draft system. They have based their objections on the inconsistency of enforced military service within the traditional American system of individual freedom. For instance, in April 1917, Congressman John Nicholls of North Carolina said, "In my state you have the feeling that the conscript is a slave. And I want to ask you this question: Would this not be a great government to go to Germany and free slaves with an army of slaves?" Representative George Huddleston from Alabama, Rep. James F. Byrnes from South Carolina and Rep. Carl Hadden from Arizona, as well as others spoke out with equal vehemence in opposition to the proposed conscription legislation at that time. Equally serious objections were raised in the Senate by Sen. Charles F. Thomas of Colorado, Sen. James A. Read of Missouri and others.

Historically, even the military leaders have been opposed to the military conscription system particularly in peacetime. In 1932 Army Chief of Staff General Douglas MacArthur spoke approvingly of the National Defense Act of 1920, which provided for a system of voluntary recruitment, saying that this act assured "other nations of our non-aggressive purpose," and added "tradition and public sentiments have always precluded conscription as the basis of a peacetime defense policy." Many other similar historical citations can be made.

Alienation of our young people because of the draft system which forces them to choose between either going to Vietnam and fighting in an atrocious and immoral war, fleeing the country, or going to jail is a widespread source of deepest trouble and a threat to the future of our country. The great increase in the number of religious and morally motivated conscientious objectors and draft resisters, and the broadening of the court's interpretation of rights granted by the Constitution and by law to conscientious resisters is an indication of the ethical, moral and religious revulsion which the draft system generated in these times.

All of these issues, the violence to our nation's historical and traditional commitment to freedom from coercion, the alienation of our young people, and the damage to moral and ethical considerations are issues which this committee should consider carefully and fully.

In my view there is still another factor which requires examination precisely because it is often invoked as a reason for justifying compulsory selective service. I refer to the practical effect of a peacetime selective service or draft system on U.S. interests and U.S. foreign policy. It seems clear to me that the adventure of the United States in Southeast Asia has proved to be disastrous. It should teach us that no national administration should have access to a peacetime draft system to use as an instrument of arbitrary power. That is precisely what the present system has provided successive administrations, both Democratic and Republican.

Thanks largely to the peacetime selective service system successive U.S. administrations have been free to try to transform the United States into the world's policeman. As of early 1967, thanks largely to the Selective Service System's direct and indirect effects, it had been possible to garrison Europe and Asia with huge U.S. peacetime armies. In that year there were 300,000 American soldiers in Western Europe, 225,000 in West Germany. In Asia there were 60,000 in Korea, 40,000 in Japan, 50,000 in Taiwan, 50,000 in Okinawa and Guam, and 35,000 in Thailand. There were thousands of others in military missions in Africa, the Near East and Latin America and over 500,000 in Vietnam.

These commitments of U.S. military power in every part of the world have reinforced governments which would have been unable to stand if they had to depend on the support and the confidence of their own people. In many instances these governments are dictatorial, militaristic, corrupt and serve America's interest only insofar as those are concerned who conceive America's interest to be in line with those of the militaristic regimes in Africa, Asia and Latin America that seek to control people who are now clamoring for liberation from past colonialism.

The peacetime conscription system has made it possible for the United States to send troops into Korea, Lebanon, Vietnam, Laos, the Dominican Republic, Thailand, and now Cambodia. In each case the President and the Pentagon were able to accept the risk of war or of expanded war without securing the constitutional sanctions of the Congress or first getting expressions of support from the people as a whole.

These arbitrary actions not only involve us in questionable alliances with dubious friends in other parts of the world but they also raise the deepest constitutional issues for us here at home and cause people rightly to wonder whether we are still a free people. Or have we become a people for whom the decisions are made by administrations exercising powers available to them which bypass the constitutional safeguards of division of powers among the three branches of government?

In the course of mounting this type of war-making by administrative decree the U.S. uses the peacetime conscription resources also to by pass the Organization of American States (as in the Bay of Pigs invasion and the invasion of the Dominican Republic), to bypass SEATO (as in the case of the escalating war in Vietnam, Laos and Cambodia), and to bypass the United Nations in both of these actions as well as in its massive buildup of forces generally in Southeast Asia.

Peacetime conscription thus has become the key to war by administrative decree, bypassing and nullifying the constitutional prerogative of the Congress to declare war.

In Vietnam the number of troops increased from 685 in May 1960 to 1,650 in May 1961, 7,000 in February 1962, 17,000 in December 1963, 22,000 in December 1964, 51,000 in June 1965. In April 1965, President Johnson, General Maxwell Taylor and the National Security Council decided to send several thousand more U.S. troops to South Vietnam to train South Vietnamese forces and to protect American military installations. On June 4, 1965 the State Department acknowledged publicly for the first time that U.S. ground troops were engaged in combat in South Vietnam. On June 29, 1965 U.S. troops began offensive action. On July 12, 1965 President Johnson indicated higher draft calls and on July 27, 1965 Johnson said U.S. troops would be swiftly increased from 75,000 to 125,000. By January 1966, there were 197,000 troops in Vietnam and by September over a half a million.

These decisions to escalate were made by the Pentagon and approved by the President. Congress, by accepting a policy of peacetime conscription and later acceding to the Ton-

kin Bay Resolution, had thereby, perhaps unknowingly, transferred its responsibilities to the Executive and made war a matter of administrative decision.

The presence of American troops all over the world entails close collaboration between the U.S. military and the military of the garrisoned countries. It enhances the prestige of that military and also ours. In the underdeveloped world military organization is often the bulwark of autocratic status-quo governments. The U.S. military support of these governments puts the power of the U.S. in direct opposition to democratic social change. By our support of entrenched power and privilege we encourage the growth of corruption and repression, which breeds resentment and precipitates the very revolution we lack the imagination and the means to encourage constructively and peacefully.

Conscription is the key element in enabling administrations unilaterally to make national commitments to war which now are proving to be dangerous to the national interest and to the state of health of the national economy. Conscription guarantees to the military and to the Administration a large measure of "flexibility" in raising the size of the army quickly by administrative fiat in the course of an undeclared war. There's no need to go to the Congress and there is no need to go to the people.

The National Advisory Commission on Selective Service, which was headed by Burke Marshall, emphasized in its 1967 report this flexibility as the real reason for a peacetime draft saying, "Only with such a flexible system can the military services be assured of their ability always to have the number of men necessary." Of course the question of why they are necessary, for what are they necessary, and whether these purposes are considered necessary purposes by the Congress, by the people, or only by the military and the White House is not dealt with. The alternative to this arbitrary power in the hands of the military or of a willing President is to bring an end to the draft and adopt a foreign policy which does not cast the United States in the role of world policemen. If the United States does not intend to man garrisons in Western Europe and Asia there is no need for conscription. If the United States administrations do not wish to be able to initiate wars without consulting Congress or the people, there is no need for peacetime conscription. If an administration does not wish to be free of constitutional restraints particularly when it finds itself carrying out a war judged by very substantial numbers of the people to be atrocious and immoral, its sense of need for peactime conscription is greatly reduced. This of course goes to the very heart of the matter.

The constitutional safeguards have been established with respect to war and were put there precisely to safeguard the United States from dictatorial authority. Dictatorships characteristically cherish as their most important asset the power to make war without consulting the people or their representatives. It is precisely toward this kind of dictator-like situation that the peacetime conscription system has carried the United States during the past 20 years. The results are disastrous and the disaster can be measured in terms of the Vietnam-Southeast Asia disaster. There is no mystery about it. The facts are clear and the significance of the facts is clear. The only question is whether the Congress now has the initiative, the will, and the courage to remove the conscription system from the statute books and restore to the people of the United States the basic safeguards to their freedom.

The American Friends Service Committee is deeply opposed to the system of military conscription. We always have championed the right of young people confronted by the draft to refuse to serve on grounds of conscience. We have given them moral and material support and we have assisted them in every way that we could. Today when many young people resist conscription directly they often are acting not from explicit religious doctrines and tenets of faith but rather from sensitive consciousness and perceptions deeply held as to the wrongness of being forced to go and fight in Vietnam. The American Friends Service Committee has extended its encouragement and support to include such draft resisters. We support young people who have refused to cooperate and who refuse to invoke the provisions for conscientious objection under the law. We support those who have chosen to stand in open defiance of the Selective Service System for reasons of decency and conscience.

The American Friends Service Committee's support for young people acting in these ways is based on our conviction that their inner motivations represent a firmer basis for a decent and humane society both now and in the future than do those provisions of law which actually undermine our sense of social legitimacy both at home and within the international community of nations. We believe that their civil disobedience ultimately will help strengthen civilization and make humane social laws and customs viable and possible.

Specifically, in connection with the present issues some of which have been touched on here, the American Friends Service Committee has called together a group of people representing a considerable range of knowledge and experience relevant to the Selective Service System and has asked them to prepare a document analyzing these issues. This document has been prepared and published as a report for the Peace Education Division of the AFSC. The title is *The Draft?* I wish to present to the members of the Senate Armed Services Committee copies of this working party report and I submit this report together with my testimony for the consideration of the Committee in connection with the "End the Draft" Amendment which has been introduced by Senator Mark Hatfield.

We hope very much that the Committee will lend its support to the Hatfield Amendment.

PRESIDENTIAL VETOES OF INDEPENDENT OFFICES AND OFFICE OF EDUCATION APPROPRIATION BILLS

Mr. INOUYE. Mr. President, yesterday, President Nixon vetoed the Independent Offices and Office of Education Appropriations bills.

He did so on the grounds that the $1 billion added by Congress is inflationary. It was, I believe, a theme which he plans to utilize throughout the coming congressional campaign and reflects the partisan attitude he has chosen to take concerning congressional action.

Lest one accept this claim at face value, I believe that the American people should be reminded of his own record on the management of the economy. It was only several weeks ago that President Nixon claimed that the United States is in transition from a wartime to a peacetime economy. Yesterday's action in vetoing these civilian programs was, therefore, in direct contradiction of this pledge to the American people.

He has also attempted to blame a Democratic Congress for fueling the flames of inflation, but an impartial examination of his record shows the contrary. He has refused to use the full powers of his office to hold down the cost of living. The Defense Production Act extension contains a section authorizing him to set wage and price guidelines. Yet he has specifically stated that he will not use the persuasive powers of the Presidency to control the massive price and wage rises in the last year and a half. Instead, he has chosen to set up more committees and commissions that merely restate the obvious.

The projected $12 to $15 billion budget deficit which has been forecast is attributable to the Nixon recession and mismanagement of our economy—not to this $1 billion appropriation for education and housing. We stand ready to cut other lower priority administration requests for funds by amounts greater than the added sum voted for these two purposes.

Finally, I should note that only a few hours before the President vetoed these two important bills, the National Governors Conference, which is dominated by Republican Governors, met in Missouri and passed a resolution calling for the assumption by the Federal Government of a greater share of the educational burden. President Nixon's actions yesterday thus run contrary to the needs of the States as expressed by the Governors of both parties.

Education and housing are not partisan issues, nor are they idle purposes which can be readily postponed. I deeply regret that President Nixon has vetoed these measures in the spirit of partisanship.

ENERGY CRISIS IN THE NATION

Mr. TOWER. Mr. President, this morning the distinguished Senator from Wyoming (Mr. HANSEN), Representative GEORGE BUSH, and I described in a news conference what we view as a dangerous energy crisis in our Nation.

I ask unanimous consent that the prepared texts of my remarks and those of Representative BUSH and Senator HANSEN be printed in the RECORD.

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

NEWS CONFERENCE, AUGUST 12, 1970

STATEMENT OF SENATOR JOHN G. TOWER

Today this nation faces a dangerous energy crisis. From all available information, this crisis will probably become more severe.

The purpose of this press conference is to alert the public to the Fact of this crisis. By being made aware of possible shortages of energy during the coming months, and by knowing the reasons for these shortages, we hope that those affected will react in a calm and reasoned manner.

Needed now are well-founded short and long range solutions. We must not allow this situation to become a political or emotional issue because that would only hinder efforts to achieve solutions. We must carefully analyze the factors which have caused this situation. Then, we must try to change those factors which are within our power to change, and we must make proper provisions for those factors which we are unable to change.

A brief examination of our total energy situation is appropriate.

Our energy is supplied by four main natural resources: natural gas, oil, coal, and fissionable material. Eighty per cent of our electric energy is generated by consuming one of

these four basic resources. At the present time, natural gas supplies 33% of our total energy demands, oil 40%, coal 21% and nuclear and water power 6%.

Historically, this nation has enjoyed ample supplies of these resources to meet its growing needs. Having this abundant energy supply is one of the main reasons we have become the leading industrial nation with the highest standard of living on earth.

But, in recent months, we have experienced dramatic and disturbing energy failures. Because of these failures, many are concerned about the national security of our country and the adequacy of the energy resources necessary to satisfy our vast and growing consumer and industrial demands.

Here are a few examples of recent energy shortages:

A major power failure occurred in New York City on November 9, 1965. Even though this was a severe shortage, it was judged a regional problem and, hence, it failed to arouse the rest of the nation.

But, in January, 1970, deliveries of natural gas to industrial customers in the Cleveland, Ohio, area were suddenly terminated for an eight-day period. Approximately thirty thousand workers were laid off work. Inadequate producing reserves of natural gas in the southwestern part of the United States was determined to be the primary cause of this failure.

In July the President of East Ohio Gas Company reported to the Public Utilities Commission of Ohio that if the coming winter is as severe as last winter, "industrial curtailment in the same magnitude of that which occurred last winter will be necessary." Only a few recognized the national implications of this shortage.

In July, 1970, the Taunton, Massachusetts, Municipal Light Company requested bids for fuel oil to meet its annual needs. Only one bid was received and this bid was for only a one-half year's supply. The manager of this utility which serves approximately a 100-square-mile area fifteen miles south of Boston admitted that he was able to buy only one month's fuel supply at a time.

On August 5th, just one week ago, the manager of the Braintree, Massachusetts, Electric Light Department said that he had on hand only a ten-days' supply of fuel and that he was unable to meet the immediate needs after that supply was used. Braintree, Massachusetts, is a town of 37,000 population.

On August 7th, the vice-president of purchases of the Connecticut Light and Power Co., of Hartford, Connecticut, said that the fuel supply of two of the company's three main electric generating plants was dangerously low. Their Devon, Connecticut, plant had a seven-day's supply and their Norwalk, Connecticut, plant had only a fourteen-days' supply of fuel. Normally, the reserves of fuel are replenished during this time of year. Instead, last year's reserves are being consumed. This company furnishes electric power for the entire state of Connecticut and the west one-half of Massachusetts.

The Boston Gas Company was forced to meet a portion of its requirements by contracting to import more expensive liquified natural gas from Algeria. They would not speculate how they would meet their total needs for the winter of 1971–1972.

Peoples Gas Company of Chicago, Illinois, announced that due to shortages of natural gas, it could not increase sales to its present industrial customers, nor could it contract to sell natural gas to new industrial customers.

As more and more of these critical situations became known to us, there began to appear a mosaic of shortages of these resources and electric power brought about for varied and diverse reasons. By gathering information from different agencies of government, the overall picture emerged as a serious national crisis.

Because the factors which have contributed to the shortages vary with each resource, each of us will discuss the reasons for the increased demands, reasons for the decreasing or inadequate supplies and the outlook for each of the four resources and electric power.

I will begin by discussing the natural gas situation.

As I noted earlier, natural gas supplies approximately 33% of the energy consumed in the United States. Future demand for this fuel is expected to increase. But, due to present short supplies, this increased demand may not be met. Attached to copies of my statement is a tabulation showing reported shortages during the winter of 1970–1971. Should the coming winter be as severe as the last, similar shortages could exist. In many areas, natural gas service to new customers has been restricted, and supplies to some old customers have been reduced.

Several factors are contributing to the increased demand for natural gas.

The most important factor is the promulgation at various levels of government of Air Pollution laws. These laws often restrict the amount of harmful sulfides which can be emitted into the air as a result of burning a fuel. When coal and fuel oil are ignited, sulfides are emitted. Air Pollution regulations have, therefore, stimulated the demand for natural gas.

Another reason for increased demand involves our increasing population and increasing per capita energy consumption. From 1960 to 1970, our population increased by approximately 11%. During the same period per capital energy consumption increased by 41%.

From 1970–1980, population is expected to increase by another 7% and our per capita energy consumption is expected to increase some 30%. These factors thus have a compounding effect on fuel demands.

Another factor in the increasing demand for natural gas is its low retail price in relation to competing energy sources. For example, in 1968 in Brooklyn, New York, the consumer cost of natural gas was exceeded by 35% for fuel oil, 7% for coal, and 168% for electricity. Similar disparities of price exist in other areas of the United States.

Meanwhile, the domestic supply of natural gas is diminishing. I wish to stress here the difference between supply and reserves. Geologists tell us that we have abundant natural gas reserves, in other words, many places beneath the surface where large quantities of natural gas can be expected to exist. Supply, on the other hand, concerns the natural gas fields which we have developed or are developing and which are producing fuel. While natural gas reserves are believed to be large, our supply is diminishing.

During the past two years, we consumed more natural gas than we found. This has resulted in a reduction in our producing capability. At present rates of consumption, we now have approximately a 10-years' supply of natural gas from proven and producing fields. Yet, it is estimated that more than a 200-year supply remains undiscovered.

What has caused the decline in proven reserves of this desirable fuel?

I believe the most important reason for the decline has been 15 years of chaotic regulation by the Federal Power Commission. FPC regulation has led to an unrealistically low price for natural gas paid to the independent producer, to time delays while voluminous required documents are processed, and to an uncertainty in the minds of the producers that the contract will remain inviolate.

An example of inconsistent pricing practices can be seen in the recent approval granted by the FPC to the Boston Gas Company to import liquefied natural gas from Algeria at a price of $1.72 per thousand cubic feet (mcf), compared with prices of 28 cents per mcf for gas imported from Canada into the Chicago area and 16½ cents per mcf for gas paid to producers in West Texas.

Most of the Natural gas consumed in the United States is produced in Texas and Louisiana, and all significant new United States reserves of gas are expected to be found in or off the shores of Texas, Louisiana and Alaska.

Because of these pricing practices, the domestic producer has lacked economic incentive to seek new reserves.

The long delays in proessing FPC forms has also hindered exploration. In many instances months and sometimes even years have been consumed in gaining FPC approval of gas sales contracts. Meanwhile, no gas may be sold from the well or wells covered by the contracts.

Another debilitating result of FPC regulation has been violations of the sanctity of gas sales contracts between the producers and the pipeline companies. Even after the long delays required to receive so-called "unconditional" FPC approval of a contract, the FPC on occasion has later retroactively reduced the price even further. This has at times caused extreme economic hardship on the producer who must repay money previously received for gas sold under an approved contract.

As a result of these FPC practices, many producers have elected to sell their gas to consumers located in the same state where the gas is produced. These intrastate sales are not under FPC jurisdiction. A higher price is normally paid to the producer of intrastate gas since the producer and buyer can bargain without federal interference. This has resulted, however, in increased intrastate sales and has thus reduced the supply of natural gas outside producing states.

Finally, the federal government has restricted sales of unproven offshore leases. Congressman Bush will discuss this in greater detail, but it is obvious that until these areas are opened to exploration, they will not yield their treasures. Of course, these leases must be developed and produced with due care to avoid ecological harm.

I feel the industry is now demonstrating a willingness to achieve the technological expertise necessary to avoid ecologically tragic accidents. Offshore areas must be developed in strict compliance with reasonable and necessary safety and environmental protection regulations.

These are the main causes of decreasing natural gas supplies. Unless immediate action is taken by the FPC and Congress, shortages will become more acute.

The FPC has begun to act by initiating rate-making procedures to increase the price paid to the independent, and to de-regulate the "small" producer. While the latter action is most welcome, it would probably result in the de-regulation of only about 15% of the total volume of gas moved in interstate commerce.

I am pleased to report that FPC vice-commissioner Carl E. Bagge is drafting proposed legislation which would exempt from FPC regulation the well-head price of natural gas. Thus, the price sold into interstate commerce would be allowed to seek its own free-market level. Under this proposed legislation, the Federal Power Commission would continue to enforce other conditions of contracts between producers and pipeline companies. This is desirable for the protection of investors in the pipeline and distributing facilities. If the producer were completely de-regulated, he might breach a contract in order to sell instead to a competitive buyer at a higher price. FPC enforcement power for contract terms other than well-head price, therefore, must be maintained. Otherwise, pipeline and distributing companies might have little effective insurance of their supply from the producer. While the distributor and pipeline company might have legal recourse

in the courts for dollar damages for breach of contract, they would still have no way of insuring their gas supply. It is, therefore, important to maintain FPC enforcement power to insure delivery of contracted gas.

Senator Hansen, Representative Bush, and I agree with Commissioner Bagge in the belief that this legislation is of vital importance, and we look forward to offering such legislation in the near future.

In 1954, the FPC was ordered by the Supreme Court to regulate the producer. Until legislation is adopted which will free the producer from regulation, the FPC must abide by the Court ruling.

I believe such legislation would stimulate exploration for new supplies of our abundant domestic reserves. The additional exploration should increase long range sources of supply.

The short term supply sources are relatively small. We may be able to import greater amounts of gas from Canada if that country decides that exporting increased quantities is in its own interest.

We can presently import only very small quantities of liquefied natural gas from Algeria. This will be limited in the short term sense because of a lack of necessary transportation and storage facilities to handle this expensive, high pressure commodity.

On the intermediate outlook, our best opportunity to gain new domestic natural gas production lies under federal offshore leases off of the coasts of Texas and Louisiana.

Given adequate economic incentives, reserves of natural gas could be developed in the contiguous 48 states.

In approximately seven years, we could begin to receive gas from Alaska's North Slope.

The long range picture could be optimistic. By 1980, we could import much larger quantities of liquefied gas from Nigeria, Venezuela and Algeria. The necessary facilities would have to be constructed and a special fleet of cryogenically-equipped ships launched, so, of course, significant expense would be incurred.

Also, we could develop the larger reserves believed to underlie the deeper portion of the Outer Continental Shelf, although the future terms of the recently-proposed Seabed Treaty could stifle exploration efforts. I stressed in a Senate speech the end of last month that such a treaty could have a lasting and derogatory effect on our long term oil production capabilities.

Additionally, the frontier gas-producing areas of Canada could be developed, if the Canadians chose. This could have a positive effect in meeting our long range natural gas needs.

Finally, improved technology enabling nuclear stimulation of producing natural gas formations may further increase our domestic supply.

Congressman Bush will now discuss the oil situation.

REMARKS OF REPRESENTATIVE GEORGE BUSH, SEVENTH DISTRICT, TEXAS

My remarks are directed to the oil shortages facing this country.

The demand for oil is increasing. The reasons for this are closely associated with the increased demand for natural gas. Our population is increasing. We are consuming more and more energy. Anti-pollution laws have made natural gas extremely attractive as a fuel. This demand for natural gas cannot be met. Thus, industrial consumers, especially the utilities, are trying to secure supplies of low sulfur fuel oil.

Fuel oil sales represent only a small percentage of the total oil consumed in the United States. However, the increased demand for this product is critical in view of the dependence of the East Coast upon it.

At the same time as we have this increased demand for residual fuel oil, domestic supplies are decreasing. Why?

1) Residual fuel oil is one of the least profitable products obtained from refining crude oil. In the past, adequate supplies have been imported to the East Coast at a price lower than was attractive to domestic companies to produce it. Hence, domestic refineries specialized in producing more profitable products—such as jet and diesel fuels and motor gasolines. And domestic refineries were constructed with only a limited ability to produce residual fuel oil. So, imports of fuel into the eastern United States markets increased.

2) The substantial imports of residual fuel oil to the East Coast acted to further discourage producers from seeking new reserves of oil. From 1959 to the present, imports of foreign oil have doubled to around 24 percent of domestic consumption.

So, with the sudden increase in demand for residual fuel oil, the nation looked to the Southwest for increased supplies. However, the transmission lines, storage and terminal facilities were already operating at, or very near, peak capacity.

Tankers were sought to transport the oil. However, on the international front tankers were already in short supply. They were being used to haul oil from Middle Eastern countries around the Cape of Good Hope to Mediterranean refineries. This was necessitated by the closing of the Suez Canal and various ruptures, acts of sabotage and decreases in production. These greater hauling distances require six tankers where in the past one has done the job.

I for one do not feel that this nation should be dependent upon foreign oil. Were we so dependent, the risk of supply interruption would be traumatic. In addition, what effect would it have upon our international diplomacy.

A good look at the world's oil reserves will indicate that the only area that could possibly satisfy the demands of the American market is the Middle East. And we know from the record the implications of resting our national security upon the petroleum supplies of this part of the world. The record is:

1) In 1948, Iraq shut down the pipeline to the Mediterranean and prohibited completion of other lines—lines which remain unfinished.

2) In 1951, Iran seized the properties of the Anglo-Iranian Oil Company and production was shut down for 3 years.

3) In 1956–57, the Suez Canal was closed and the pipeline from Iraq to the Mediterrean was sabotaged.

4) In 1961, Iraq seized a giant, undeveloped oil field. This issue remains unresolved.

5) In 1966, Syria shut down the Iraq Petroleum Company pipelines which cross its territory.

6) In 1967, at the start of the Arab-Israeli war, Arab producers temporarily halted production. The Trans-Arabian pipeline was shut down, and the Suez Canal was closed and remains closed.

7) In 1969, the Trans-Arabian pipeline was sabotaged by Arab guerrillas on several occasions.

8) In 1970, the Trans-Arabian pipeline was shut down because Syria has refused to permit repairs of an accidental break in the line.

9) The Lybian government has reduced production by over 500,000 barrels per day.

The folly of relying too heavily upon "cheaper" foreign oil has been proven. Prices of "cheaper oil" on the East Coast have soared to well above domestic prices. But, more importantly, many users are unable to secure supplies at any price.

The outlook for an improved situation is not bright.

Estimates indicate that the immediate short-term supply of domestic oil is only 800,000 barrels per day at best. Given enough time and capital expenditure, production could only be increased by 400,000 barrels per day.

We could seek increased imports of oil from Canada. However, the imports from this part of the world were recently reduced from 600,000 barrels per day to 395,000 barrels per day. Perhaps, the Canadian government might find it in their best interests to again permit exports of this magnitude.

In the intermediate-term, sales of federal off-shore leases should be resumed. I have urged the Secretary of the Interior to hold the lease sales for Offshore Western Louisiana at an early date.

If additional tankers become available, imports of residual fuel oil could be temporarily de-controlled in all districts of the United States.

For the long term, the North Slope of Alaska will provide additional supplies. This has been estimated at a maximum of 2 million barrels per day.

Federal leases on the deep outer Continental Shelf should provide additional supplies. The drill ship, Challenger, has cored shows of oil and gas in 11,700 feet of water in the Gulf of Mexico. As Senator Tower mentioned, the effects of the pending Seabed Treaty are not known and they provide one more disincentive to increased oil exploration.

We should accelerate technological research into economical methods of extracting oil from shale. The United States government owns vast reserves of this oil shale in the West.

Finally, and most importantly, we need to restore the confidence of the oil and gas exploration industry. A large amount of future U.S. production must come from reserves yet to be found. The amount needed equals 40 percent as much oil as has already been discovered in the United States in the entire history of the oil business. We need adequate economic and tax incentives to encourage this amount of exploration in this high risk business. Remember, only one well out of fifty drilled pays for itself. And last year only 30,800 wells were drilled as compared to 46,800 in 1961.

Long overdue increases in the price of oil would aid in restoring confidence.

In addition, restoring tax incentives would speed exploration.

There can be no doubt that for national security purposes and for purposes of maintaining our high standard of living, we must maintain a strong, viable domestic producing capacity. We must not again fall subject to the whims of fate.

Reasons for increased demand of oil

1. Shortages of natural gas
2. Antipollution laws
3. Population increase
4. Increase in per capita consumption

Reasons for decreased supply

National

1. Limited domestic refining capacity for fuel oil
2. Deliverability system operating at or near capacity (wells, pipelines, storage and terminal facilities)
3. Increased imports dampened past exploration activity
4. Uncertainty of future import policies
5. Restricted sales of federal offshore oil and gas leases
6. More restrictive tax laws
7. Low price of crude

International

1. Suez Canal closed
2. Trans-Arabian pipeline closed
3. Lybia reduced production
4. Shortage of tankers

Sources of additional supply

Short-Term

1. Increase production in Texas and Louisiana
2. Increase imports from Canada

Intermediate-Term

1. Build additional tankers
2. Decontrol residual fuel oil imports
3. Conduct sales of onshore federal lands

Long-Term

1. North Slope of Alaska
2. Offshore Texas and Louisiana federal leases
3. Onshore lower 48 production
4. Oil shale

STATEMENT OF SENATOR CLIFFORD P. HANSEN, OF WYOMING

Electric power generation in the energy crisis

In the overall energy picture, coal still plays an important part, especially in electric power generation. In fact, most of the 21 percent of our energy supplied by coal is in electric power generation.

But for a number of reasons we now find that coal is in critical supply and there is some question of adequate inventories to meet the winter demand.

There are several reasons for the shortage including the rapid conversion from coal to gas and residual oil on the east coast, a growing export market, the newly enacted Mine Safety Law, wildcat strikes and the fact that low-sulfur coal and lignite come mostly from western states and require a longer haul and, of course, more transportation facilities. And the rapid mechanization of coal mining has produced a shortage of trained manpower.

Now that conversion to natural gas is no longer possible and residual oil is also in short supply with the price being more than double that of a year ago, utilities, especially on the east coast, are in a tight situation.

Atomic powered plants now furnish a very insignificant part of the total electric power of the nation and any immediate relief must come from fossil-fueled generating plants.

The Chairman of the Federal Power Commission, in several recent addresses and in testimony before committees of Congress, has pointed out the critical power situation. Chairman Nassikas says that the basic fossil fuel shortage is the most acute phase of our developing energy crisis, dwarfing the problem of adequate generation and transmission facilities to meet short-term demand.

Nassikas also predicts that higher fuel costs this winter will mean higher electric and oil bills.

FPC has undertaken a national inventory of all sectors of the electric utility industry to determine the dimensions of the problem and to adopt whatever measures may be necessary to assure that fossil fuel, particularly residual fuel oil and coal, will be available to meet electric generating capacity demand this coming winter.

With luck, it appears that emergency measures already taken may prevent a major power blackout in New York or the Northeast sector this summer. The winter demand will be somewhat less.

The hope of the early 1960's for a massive output of nuclear generated electric power has failed to materialize for a number of reasons, but has been a major factor in the current shortage of coal along with the relaxation of import controls on residual fuel oil. The rush was on to convert to cheap residual oil.

The necessary development of new coal mining capacity didn't happen.

On top of the expected nuclear development came clean-air regulations which limited emissions of sulfur dioxide and outlawed coal and oil with more than one percent sulfur.

Soaring worldwide demand for coal and residual oil has forced prices up, and new coal mine safety regulations have forced the closing of a large number of mines, especially small ones, which operators say cannot be operated profitably under the new law.

Concern for the environment has also been a deterrent in development of nuclear plants.

However, the best present hope for an ultimate solution to the energy problem is the development of nuclear power as a prospective major energy source.

In the meantime, we have vast reserves of coal—low sulfur coal—in the West—North Dakota, Wyoming, Montana—as well as one of the world's largest known sources of potential energy in the oil shale deposits of Colorado, Wyoming, and Utah. The Department of Interior is now in the final stages of approving a new oil shale leasing program for Federal lands.

The immediate problem is, of course, in the availability, production, and distribution of oil, gas, and coal but, in my opinion, we cannot begin too soon in the development of an overall national energy and fuels policy.

Since the warnings began last year of a critical gas shortage, a number of study committees and groups have been established by the President and the responsible Federal agencies.

A bill to establish a commission on fuels and energy is now pending in both the Senate and House, and a national minerals policy bill passed by the Senate has been amended by the House Interior Committee to include fuel minerals. This bill, if enacted, would establish a U.S. policy directed toward self-sufficiency in all minerals.

Undoubtedly, we have the mineral and energy resources and, in my opinion, should get on with the job of developing them as quickly as possible.

Recent events have proved again the dangers of dependence on foreign sources. The fuel problems confronting the electric utility industry have increased rapidly within the last 12 months and are indicative of the energy crisis which I believe confronts the nation and can be resolved only by a comprehensive national energy policy.

We have so long been blessed with plentiful supplies of oil, gas and coal that we never thought we could get caught with our dampers down.

Fuel for electric power generation

A Federal Power Commission staff analysis of the anticipated relative use of the various fuels to be converted to energy by the electric utilities during the period 1970–1990 projects the following requirements for fuel expressed in tons of coal having a heating equivalent of 25 million BTU:

Forecasts of relative fuel use must be tempered by recognition of the environmental objectives of the National Environmental Policy Act of 1969 and its implementation by the President's proposed establishment of an Environmental Protection Agency with far-reaching imponderable effects on all components of the energy industry.

Nuclear energy

Reasons for increased demand

Electric power consumption is rising rapidly.

Long run costs are lower than fossil fueled plants.

Less air pollution.

With suitable technology fuel supplies are "Unlimited".

Reasons for delay

Technology problems of material and equipment development.

Environmental problems—Concern for radiation hazards and thermal pollution.

TABLE I.—PROJECTED FUEL USE BY ELECTRIC UTILITIES

[Amounts in millions of tons]

	1970		1980		1990	
	Amount	Percent	Amount	Percent	Amount	Percent
Coal	304.6	56.7	472.0	42.5	613.6	38.8
Gas	145.9	27.2	195.9	17.2	245.9	11.6
Oil	59.5	11.1	86.8	7.8	91.8	4.3
Nuclear	27.2	5.0	356.5	32.1	1,176.1	55.3
Total	537.2	100.0	1,111.2	100.0	2,127.4	[1] 100.0

[1] All forecasts of the relative energy mix for power generation are based on the assumption that those fuel resources will be available at the requisite quality level of prescribed environmental standards at an economically feasible price.

ONE TOO MANY GAPS

Mr. CHURCH. Mr. President, this is a time when one cannot get through a day's reading without encountering some sort of "gap." Sometimes the gap is to be found here in the Senate among ourselves. When one develops between a Senator and his constituents, he may pass through election gap never to be heard from again.

But there are other far more serious gaps. We are familiar with the thorny "generation gap," that much-discussed subject at our dinner tables. There is also, we are told, a "communications gap" between business and labor, between instructor and student, between Peking and Moscow and between Washington and Peking.

The communications gap to which we are most closely connected, however, is the one between the President of the United States and the Congress, particularly the Senate, in respect to foreign policy. Perhaps this gap is more the result of inadvertence than willfulness, of omission rather than commission. But it exists nevertheless—and it must be bridged if we are to forge a viable new foreign policy for the seventies—one that rests upon the changed conditions of today, not one that belongs in the waxworks of past history.

A few days ago, Mr. Chalmers M. Roberts alluded to this overriding need, when he wrote:

> The time is coming, though perhaps not until the new Congress arrives next January, when the blood letting between the President and the Congress should be set aside in favor of cooperation.

Mr. Roberts quite properly points out that cooperation between the Senate and the Executive is essential to undergird "inescapable adjustments, now that the Vietnam war so clearly defines the high-water mark of American interventionism abroad."

Because his column, published in the Washington Post on August 9, 1970, expresses my own viewpoint, 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:

[The Washington Post, Aug. 9, 1970]

TUG OF WAR AND PEACE—NIXON, CONGRESS STRUGGLE OVER SAME GOAL: AMERICA'S NEW POSITION IN WORLD

(By Chalmers M. Roberts)

The struggle between the Senate and the President over the war in Indochina, the ABM and other parts of the military budget, plus the long pending Mansfield resolution calling for "substantial" troop reductions in Europe are all facets of the congressional effort to play a role in repositioning America in the world.

Down at the White House the President's Nixon Doctrine has become the conceptual framework for the same end, repositioning America in the world.

The tragedy is that President and Congress are pulling and hauling against each other in what, in so many respects, is a mutual effort with the same end in mind. But senators of both parties are suspicious of Mr. Nixon's propensity to play international balance of power and power politics games while the President seems to feel that many at the Capitol are determined to lead the United States back to a mindless isolationism.

Both exaggerate their suspicions and their fears, though public utterances on both sides do lend credence to such feeling in each case.

Parallels are inexact and often dangerous. Still, they are worth considering. So let us go back to the era of World War II.

In the last half of the 1930s, as war came in Manchuria, Ethiopia, Spain and then in Poland, American opinion was polarized into isolationism and internationalism. A howl of protest swept the land in late 1937 when President Roosevelt tested the atmosphere with his "quarantine the aggressor" speech. The division ended, of course, with Pearl Harbor on Dec. 7, 1941.

America had been at war in Europe and the Pacific a year and a half before there was serious talk of the shape of the peace. In mid-March, 1943, a group of senators at a luncheon discussed the idea of a resolution to point the way and Sen. Harry Truman delegated to four others the job of draftsmanship. The product of Senators Ball, Burton, Hatch and Hill became known as the B2H2 resolution.

B2H2 urged that the United States take the initiative to create what was to become the United Nations. In the House, a representative named J. William Fulbright in June introduced a similar resolution. In due course both passed overwhelmingly.

B2H2 had been submitted in advance to Under Secretary of State Welles, who, not Secretary Cordell Hull, had the President's confidence. Here was born the bipartisan foreign policy, both between parties and between parties and between Congress and White House, that lasted well into the postwar years.

President Nixon at the time of B2H2 was a young Navy officer in the Pacific. All but a handful of the then members of Congress have passed from the scene. Yet the lesson could be instructive for today.

As President Roosevelt was influenced in his postwar thinking by his recollection of the debacle of the League of Nations and the isolationism between the world wars, so President Nixon seems influenced today by his own recollection of isolationism in the years when he was still a student.

He is determined as was FDR not to go back. The Nixon Doctrine is designed to make the inescapable adjustments, now that the Vietnam War so clearly defines the high water mark of American interventionism abroad.

But because of the way in which Mr. Nixon is attempting to extricate the United States from Indochina and for other reasons, his concept has yet to win the acceptance it should from the bulk of the Congress and the country.

ON THE congressional side, especially in the Senate, immediate issues obscure the longer-range problem of how to reposition the United States in the world of the 1970s. The forest cannot be seen for the trees, in all too many cases.

The fact that this is an election year in which a Republican President hopes to pare down the majorities of a Democratic Congress, if not overturn them, adds to the suspicions between White House and Capital. And some, Fulbright among them, too often seem too motivated by a desire to expiate their self-admitted sins of interventionism. Yet the time is coming, though perhaps not until the new Congress arrives next January, when the bloodletting between President and Congress should be set aside in favor of cooperation. It will soon be time for a modern version of B2H2 and of young Rep. Fulbright, too.

THE AMENDMENT TO END THE WAR: HISTORY

Mr. HATFIELD. Mr. President, as the Senate draws closer to debate on Senate amendment No. 609—the amendment to end the war—to H.R. 17123, I plan to place in the RECORD a series of articles on various aspects of our involvement in the tragic and continuing war in Southeast Asia. It is my hope that Senators will take a moment to read these articles, as I believe that taken in their entirety they offer perspective for the forthcoming historic debate on the future of American involvement in Indo-China.

The first of this series of articles, entitled "The Day We Didn't Go to War," appeared in the Reporter on September 14, 1954. Written by Chalmers Roberts, the article describes a little-known event which occurred on April 3, 1954, in which then Secretary of State John Foster Dulles and Adm. Arthur W. Radford, Chairman of the Joint Chiefs of Staff, approached selected Members of Congress with a plan for the use of American air and naval power in Indochina. Coming just a few weeks before the planned Geneva Conference, the plan was met with incredulity both by congressional leaders and by foreign governments approached abroad. The article, a masterly reporting job by Mr. Roberts, goes on to describe in detail the progress of Secretary Dulles' proposal until its ultimate collapse later in the month of April.

I believe it would be of immense interest to the Senate to read of the events of April 3, 1954, especially in light of their relation to the ensuing development of the Southeast Asia Treaty Organization. I ask unanimous consent that Mr. Robert's article be printed in the RECORD.

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

[From the Reporter, Sept. 14, 1954]

THE DAY WE DIDN'T GO TO WAR

(By Chalmers M. Roberts)

Saturday, April 3, 1954 was a raw, windy day in Washington, but the weather didn't prevent a hundred thousand Americans from milling around the Jefferson Memorial to see the cherry blossoms—or twenty thousand of them from watching the crowning af the 1954 Cherry Blossom Queen.

President Eisenhower drove off to his Maryland mountain retreat called Camp David. There he worked on his coming Monday speech, designed, so the White House said, to quiet America's fears of Russia, the H-bomb, domestic Communists, a depression. But that Saturday morning eight members of Congress, five Senators and three Representatives, got the scare of their lives. They had been called to a secret conference with John Foster Dulles. They entered one of the State Department's fifth-floor conference rooms to find not only Dulles but Admiral Arthur W. Radford, chairman of the Joint Chiefs of Staff, Under Secretary of Defense Roger Kyes, Navy Secretary Robert B. Anderson, and Thruston B. Morton, Dulles assistant for Congressional Relations. A large map of the world hung behind Dulles' seat, and Radford stood by with several others. "The President has asked me to call this meeting," Dulles began.

URGENCY AND A PLAN

The atmosphere became serious at once. What was wanted, Dulles said, was a joint resolution by Congress to permit the President to use air and naval power in Indo-China. Dulles hinted that perhaps the mere passage of such a resolution would in itself make its use unnecessary. But the President had asked for its consideration, and, Dulles added, Mr. Eisenhower felt that it was indispensable at this juncture that the leaders of Congress feel as the Administration did on the Indo-China crisis.

Then Radford took over. He said the Administration was deeply concerned over the rapidly deteriorating situation. He used a map of the Pacific to point out the importance of Indo-China. He spoke about the French Union Forces then already under seige for three weeks in the fortress of Dienbienphu.

The Admiral explained the urgency of American action by declaring that he was not even sure, because of poor communications, whether, in fact, Dienbienphu was still holding out. (The fortress held out for five weeks more.)

Dulles backed up Radford. If Indo-China fell and if its fall led to the loss of all of Southeast Asia, he declared, then the United States might eventually be forced back to Hawaii, as it was before the Second World War. And Dulles was not complimentary about the French. He said he feared they might use some disguised means of getting out of Indo-China if they did not receive help soon.

The eight legislators were silent: Senate Majority Leader Knowland and his G.O.P. colleague Eugene Millikin, Senate Minority Leader Lyndon B. Johnson and his Democratic colleagues Richard B. Russell and Earle C. Clements, House G.O.P. Speaker Joseph Martin and two Democratic House leaders, John W. McCormack and J. Percy Priest.

What to do? Radford offered the plan he had in mind once Congress passed the joint resolution.

Some two hundred planes from the thirty-one-thousand-ton U.S. Navy carriers *Essex* and *Boxer*, then in the South China Sea ostensibly for "training," plus land-based U.S. Air Force planes from bases a thousand miles away in the Philippines, would be used for a single strike to save Dienbienphu.

The legislators stirred, and the questions began.

Radford was asked whether such action would be war. He replied that we would be in the war.

If the strike did not succeed in relieving the fortress, would we follow up? "Yes," said the chairman of the Joint Chiefs of Staff.

Would land forces then also have to be used? Radford did not give a definite answer.

In the early part of the questioning, Knowland showed enthusiasm for the venture, consistent with his public statements that something must be done or Southeast Asia would be lost.

But as the questions kept flowing, largely from Democrats, Knowland lapsed into silence.

Clements asked Radford the first of the

two key questions: "Does this plan have the approval of the other members of the Joint Chiefs of Staff?"

"No," replied Radford.

"How many of the three agree with you?"

"None."

"How do you account for that?"

"I have spent more time in the Far East than any of them and I understand the situation better."

Lyndon Johnson put the other key question in the form of a little speech. He said that Knowland had been saying publicly that in Korea up to ninety per cent of the men and the money came from the United States. The United States had become sold on the idea that that was bad. Hence in any operation in Indo-China we ought to know first who would put up the men. And so he asked Dulles whether he had consulted nations who might be our allies in intervention.

Dulles said he had not.

The Secretary was asked why he didn't go to the United Nations as in the Korean case. He replied that it would take too long, that this was an immediate problem.

There were other questions. Would Red China and the Soviet Union come into the war if the United States took military action? The China question appears to have been sidestepped, though Dulles said he felt the Soviets could handle the Chinese and the United States did not think that Moscow wanted a general war now. Further, he added, if the Communists feel that we mean business, they won't go "any further down there," pointing to the map of Southeast Asia.

John W. McCormack, the House Minority Leader, couldn't resist temptation. He was surprised, he said, that Dulles would look to the "party of treason," as the Democrats had been called by Joe McCarthy in his Lincoln's Birthday speech under G.O.P. auspices, to take the lead in a situation that might end up in a general shooting war. Dulles did not reply.

In the end, all eight members of Congress, Republicans and Democrats alike, were agreed that Dulles had better first go shopping for allies. Some people who should know say that Dulles was carrying, but did not produce, a draft of the joint resolution the President wanted Congress to consider.

The whole meeting had lasted two hours and ten minutes. As they left, the Hill delegation told waiting reporters they had been briefed on Indo-China. Nothing more.

This approach to Congress by Dulles and Radford on behalf of the President was the beginning of three weeks of intensive effort by the Administration to head off disaster in Indo-China. Some of those at the meeting came away with the feeling that if they had agreed that Saturday to the resolution, planes would have been winging toward Dienbienphu without waiting for a vote of Congress—or without a word in advance to the American people.

For some months now, I have tried to put together the bits and pieces of the American part in the Indo-China debacle. But before relating the sequel, it is necessary here to go back to two events that underlay the meeting just described—though neither of them was mentioned at that meeting.

On March 20, just two weeks earlier, General Paul Ely, then French Chief of Staff and later commander in Indo-China, had arrived in Washington from the Far East to tell the President, Dulles, Radford, and others that unless the United States intervened, Indo-China would be lost. This was a shock of earthquake proportions to leaders who had been taken in by their own talk of the Navarre Plan to win the war.

In his meetings at the Pentagon, Ely was flabbergasted to find that Radford proposed American intervention without being asked. Ely said he would have to consult his government. He carried back to Paris the word that when France gave the signal, the United States would respond.

The second event of importance is the most difficult to determine accurately. But it is clear that Ely's remarks started a mighty struggle within the National Security Council, that inner core of the government where our most vital decisions are worked out for the President's final O.K. The argument advanced by Radford and supported by Vice President Nixon and by Dulles was that Indo-China must not be allowed to fall into Communist hands for such a fate set in motion a falling row of dominoes.

Eisenhower himself used the "row-of-dominoes" phrase at a press conference on April 7. On April 15 Radford said in a speech that Indo-China's loss "would be the prelude to the loss of all Southeast Asia and a threat to a far wider area." On April 16, Nixon, in his well-publicized "off-the-record" talk to the newspaper editors' convention, said that if the United States could not otherwise prevent the loss of Indo-China, then the Administration must face the situation and dispatch troops. And the President in his press conference of March 24 had declared that Southeast Asia was of the "most transcendent importance." All these remarks reflected a basic policy decision.

It is my understanding, although I cannot produce the top-secret NSC paper to prove it, that some time between Ely's arrival on March 20 and the Dulles-Radford approach to the Congressional leaders on April 3, the NSC had taken a firm position that the United States could not afford the loss of Indo-China to the Communists, and that if it were necessary to prevent that loss, the United States would intervene in the war—*provided* the intervention was an allied venture and *provided* the French would give Indo-China a real grant of independence so as to eliminate the colonialism issue. The decision may have been taken at the March 25 meeting. It is also my understanding that this NSC paper has on it the approving initials "D.D.E."

On March 29, Dulles, in a New York speech, had called for "united action" even though it might involve "serious risks," and declared that Red China was backing aggression in Indo-China with the goal of controlling all of Southeast Asia. He had added that the United States felt that "that possibility should not be passively accepted but should be met by united action."

The newspapers were still full of reactions to this speech when the Congressional leaders, at the April 3 secret meeting with Dulles and Radford, insisted that Dulles should line up allies for "united action" before trying to get a joint resolution of Congress that would commit the nation to war.

The Secretary lost no time. Within a week Dulles talked with diplomatic representatives in Washington of Britain, France, Australia, New Zealand, the Philippines, Thailand, and the three Associated States of Indo-China—Vietnam, Laos, and Cambodia.

There was no doubt in the minds of many of these diplomats that Dulles was discussing military action involving carriers and planes. Dulles was seeking a statement or declaration of intent designed to be issued by all the nations at the time of the U.S. military action, to explain to the world what we were doing and why, and to warn the Chinese Communists against entering the war as they had done in Korea.

In these talks Dulles ran into one rock of opposition—Britain. Messages flashing back and forth between Washington and London failed to crack the rock. Finally Dulles offered to come and talk the plan over personally with Prime Minister Churchill and Foreign Secretary Anthony Eden. On April 10, just a week after the Congressional meeting, Dulles flew off to London and later went on to Paris.

Whether Dulles told the British about either the NSC decision or about his talks with the Congressional leaders I do not know. But he didn't need to. The British had learned of the Congressional meeting within a couple of days after it happened. When Dulles reached London they were fully aware of the seriousness of his mission.

The London talks had two effects. Dulles had to shelve the idea of immediate intervention. He came up instead with a proposal for creating a Southeast Asia Treaty Organization (SEATO). Dulles felt this was the "united front" he wanted and that it would lead to "united action." He thought that some sort of *ad hoc* organization should be set up at once without waiting for formal treaty organization, and to this, he seems to have felt, Churchill and Eden agreed.

Just what the British did agree to is not clear, apparently not even to them. Dulles, it appears, had no formal SEATO proposal down on paper, while the British did have some ideas in writing. Eden feels that he made it plain that nothing could be done until after the Geneva Conference, which was due to begin in two weeks. But he apparently made some remark about "going on thinking about it" in the meantime.

At any rate, on his return to Washington Dulles immediately called a SEATO drafting meeting for April 20. The British Ambassador (who at this point had just read the Nixon off-the-record speech in the newspapers) decided not to attend any such meeting. To cover up, he cabled London for instructions and was told the other topic for the Geneva Conference. Out of this confusion grew a thinly veiled hostility between Dulles and Eden that exists to this day. Dulles felt that Eden had switched his position and suspects that Eden did so after strong words reached London from Prime Minister Nehru in New Delhi.

EDEN AT THE BRIDGE

A few days later, Dulles flew back to Paris, ostensibly for the NATO meeting with Eden, France's Georges Bidault, and others during the weekend just before the Geneva Conference opened.

On Friday, April 23, Bidault showed Dulles a telegram from General Henri-Eugène Navarre, then the Indo-China commander, saying that only a massive air attack could save Dienbienphu, by now under siege for six weeks. Dulles said the United States could not intervene.

But on Saturday Admiral Radford arrived and met with Dulles. Then Dulles and Radford saw Eden. Dulles told Eden that the French were asking for military help at once. An allied air strike at the Vietminh positions around Dienbienphu was discussed. The discussion centered on using the same two U.S. Navy carriers and Philippine-based Air Force planes Radford had talked about to the Congressional leaders.

Radford, it appears, did most of the talking. But Dulles said that if the allies agreed, the President was prepared to go to Congress on the following Monday, April 26 (the day the Geneva Conference was to open) and ask for a joint resolution authorizing such action. Assuming quick passage by Congress, the strike could take place on April 28. Under Secretary of State Walter Bedell Smith, an advocate of intervention, gave the same proposal to French Ambassador Henri Bonnet in Washington the same day.

The State Department had prepared a declaration of intentions, an outgrowth of the earlier proposal in Washington to be signed on Monday or Tuesday by the Washington ambassadors of the allied nations willing to back the venture in words. As it happened, there were no available British or Australian carriers and the French already were fully occupied. Hence the strike would be by American planes alone, presented to the world as a "united action" by means of the declaration of intentions.

Eden, on hearing all these details from Dulles and Radford, said that this was a most serious proposition, amounting to war, and that he wanted to hear it direct from the French. Eden and Dulles thereupon conferred with Bidault, who confirmed the fact that France was indeed calling desperately for help—though no formal French request was ever put foward in writing.

Eden began to feel like Horatius at the bridge. Here, on the eve of a conference that might lead to a negotiated end of the seven-year-old Indo-China war, the United States, at the highly informal request of a weak and panicky French Government, was proposing military action that might very well lead to a general war in Asia if not to a third world war.

DULLES' RETREAT

Eden said forcefully that he could not agree to any such scheme of intervention, that he personally opposed it. He added his conviction that within forty-eight hours after an air strike, ground troops would be called for, as had been the case at the beginning of the Korean War.

But, added Eden, he alone could not make any such formal decision on behalf of Her Majesty's Government. He would fly to London at once and put the matter before a Cabinet meeting. So far as I can determine, neither Dulles or Bidault tried to prevent this step.

Shortly after Eden flew off that Saturday afternoon, Dulles sat down in the American Embassy in Paris with his chief advisers, Messrs. MacArthur, Merchant, Bowie, and McCardle, and Ambassador Dillon. They composed a letter to Bidault.

In this letter, Dulles told Bidault the United States could not intervene without action by Congress because to do so was beyond the President's Constitutional powers and because we had made it plain that any action we might take could only be part of a "united action." Further, Dulles added, the American military leaders felt it was too late to save Dienbienphu.

American intervention collapsed on that Saturday, April 24. On Sunday Eden arrived in Geneva with word of the "No" from the specially convened British Cabinet meeting. And on Monday, the day the Geneva Conference began, Eisenhower said in a speech that what was being sought at Geneva was a "modus vivendi" with the Communists.

All these events were unknown to the general public at the time. However, on Sunday the New York *Times* printed a story (written in Paris under a Geneva dateline) that the U.S. had turned down a French request for intervention on the two grounds Dulles had cited to Bidault. And on Tuesday Churchill announced to a cheering House of Commons that the British government was "not prepared to give any undertakings about United Kingdom military action in Indo-China in advance of the results of Geneva" and that "we have not entered into any new political or military commitments."

Thus the Geneva Conference opened in a mood of deepest American gloom. Eden felt that he had warded off disaster and that now there was a chance to negotiate a peace. The Communists, whatever they may have learned of the behind-the-scenes details here recounted, knew that Britain had turned down some sort of American plan of intervention. And with the military tide in Indo-China flowing so rapidly in their favor, they proceeded to stall.

In the end, of course, a kind of peace was made. On June 23, nearly four weeks before the peace, Eden said in the House of Commons that the British Government had "been reproached in some unofficial quarters for their failure to support armed intervention to try to save Dienbienphu. It is quite true that we were at no time willing to support such action . . ."

This mixture of improvisation and panic is the story of how close the United States came to entering the Indo-China war. Would Congress have approved intervention if the President had dared to ask it? This point is worth a final word.

On returning from Geneva in mid-May, I asked that question of numerous Senators and Representatives. Their replies made clear that Congress would, in the end, have done what Eisenhower asked, provided he had asked for it forcefully and explained the facts and their relation to the national interest of the United States.

Whether action or inaction better served the American interest at that late stage of the Indo-China war is for the historian, not for the reporter, to say. But the fact emerges that President Eisenhower never did lay the intervention question on the line. In spite of the NSC decision, April 3, 1954, was the day we *didn't* go to war.

VETO OF INDEPENDENT OFFICES APPROPRIATION BILL

Mr. CRANSTON. Mr. President, the President's veto yesterday of the independent offices appropriations bill struck out the $105 million increase above the budget request for VA hospital and medical care which the Congress had voted. I am firmly committed to supporting this urgently needed $105 million increase to care for our disabled veterans which was the result of bipartisan cooperation in both Houses of the Congress and which resulted from extensive congressional investigations into VA medical care in both Houses.

Mr. President, I have today sent a telegram stating my views about the VA appropriation veto to the commander of each national veterans organization as well as to the Association of American Medical Colleges and the American Association of Junior Colleges, all of whom have worked for and supported the increase in funds. I ask unanimous consent that the text of the telegram be printed in the RECORD.

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

TELEGRAM

You all are aware that yesterday the President vetoed the Independent Offices appropriations bill which contains the VA budget. With your strong support, the Congress had been able to add $105 million above the budget request for VA hospital and medical care to that now vetoed bill. Regardless of the reasons stated for the veto, its effect is to further delay and retard efforts to expand VA staff and purchase of equipment to stop the dangerously deteriorating situation in many VA hospitals. I am firmly committed to the view that this $105 million increase is absolutely vital in this fiscal year and as soon as possible if we are to be able to offer the disabled veterans of our nation the type of care we all believe that they so richly deserve.

I call upon you and your organization to continue this urgent fight and to make clear to all that we will not settle for one penny less than the $105 million increase which has been vetoed.

I have discussed this matter with Chairman Teague of the House Veterans Affairs Committee and he and I stand united to oppose any effort to water down the VA medical appropriation.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Veterans' Affairs.

LOS ANGELES HARBOR IS WINNING ITS FIGHT AGAINST WATER POLLUTION

Mr. MURPHY. Mr. President, it is with a great deal of justifiable pride in the determination and initiative which have given California its position of leadership in our Nation that I submit today a report from the Board of Harbor Commissioners, city of Los Angeles, showing that the Los Angeles Harbor is winning its fight against water pollution. The report speaks for itself, and I offer it not only to show what has and is being done in the Los Angeles Harbor but also what can be done elsewhere. I ask unanimous consent that the report be printed in the RECORD.

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

LOS ANGELES HARBOR: ITS FIGHT AGAINST WATER POLLUTION

The Los Angeles Harbor Department began its fight against water pollution about 25 years ago. Today, the battle is partly won—and the quality of Los Angeles Harbor waters is the highest in many decades.

Fish have returned to areas of the Port long void of any such life. There are new signs of flora and fauna throughout the Harbor, even in areas once described as "biological deserts."

This remarkable change and improvement was made possible through the combined efforts of the Los Angeles Harbor Department, local, state and federal governments, industry and the conservation-minded people of Los Angeles. It is truly an example of concerned people, representing many different interests, working diligently and effectively together for the benefit of all.

The results of that cooperation are plainly visible at Los Angeles Harbor. You can see fish and plant life coexisting with commercial and industrial port activities. You can see proof that man can improve his environment if he is willing to devote his time, his energy and the necessary funds. These are the basic weapons that were used and are continuing to be used to fight pollution at the Port of Los Angeles.

The quality of the water in Los Angeles has always been very high, when compared to other commercial and industrial ports throughout the world. Today, it is far superior to most.

The worst conditions in the country, by far, are found on the East Coast and in the Great Lakes. According to a recent newspaper report, industries discharge into Lake Erie every day ten billion gallons of process and cooling waters containing pollutants. Water pollution problems in the West are different from those in the East. In the West the objective is mainly one of pollution prevention. In the East, correction and elimination are the concerns.

Los Angeles Harbor is doing both: preventing further pollution and eliminating what it already has.

Water pollution, like air pollution, is created by people. People in the United States generate 3.5 billion tons of solid wastes each year. Los Angeles Harbor Department personnel remove approximately 20 tons of floating debris per day from port waters at a cost of $60,000 per year. The cost of collecting and disposing of such wastes in the United States runs to $4.5 billion annually—a figure that is expected to at least triple by 1980. Only a part of this is related to water pollution, of course, but these facts and figures serve to point up the source and scope of the problem.

Looking back a few years at what is now one of the world's great commercial and industrial harbors, many in the area remember

when this $500 million complex—today's Port of Los Angeles—was nothing more than a dismal salt water tidal marsh in the lee of a small barrier reef known as Rattlesnake Island.

There was never any serious thought given to locating a deep-water harbor for commerce and of refuge at Los Angeles until 1897, about 73 years ago. The United States Senate ultimately made the decision to create such a harbor and a government breakwater in San Pedro Bay was completed in 1910. It was the first step to carve a deep-water port out of the shallow tidal flats.

Richard Henry Dana's "most desolate place on the California coast" has now become one of the largest man-made harbors in the world, with about 4,000 acres of navigable water averaging 35 feet deep. Tide water extends from the Harbor northerly up Dominguez Channel to Vermont Avenue.

The Channel used to carry surface run-off and waste from an area south and west of Los Angeles to a large slough lying between what is now the City of Torrance on the west and Dominguez Hills on the east.

Los Angeles' Inner Harbor is contiguous to the mainland and was developed from salt flats and marshland. Meandering channels with less than two feet of water at low tide covered the entrance to this area. Dredging was begun in 1874 and completed three years later, and the Inner Harbor was developed in 1893 at a cost of a million dollars.

Throughout the years, the Dominguez and Consolidated channels were becoming progressively fouled because of industrial discharges. In 1947, when the Port of Los Angeles was planning the construction of a passenger and freight terminal near the Dominguez Channel entrance to the Harbor, the discharges from the Channel near the construction site were undesirable from an aesthetic standpoint.

Complaints by the Harbor Department to Channel users were not completely resultful. At the urging of the Los Angeles County District Attorney's office, requested to investigate the situation, two committees were formed to study the problem to eliminate undesirable waste water discharges. The Port of Los Angeles Testing Engineer was named chairman of the technical committee, whose membership included representatives from both government and industry. These groups were considered essential to clarify, coordinate and unify various individual actions, which had previously resulted in duplication of effort. They were volunteer groups unsupported by public or private funds and without the authority to take any official action.

Later—stimulated by reports of these committees and with the technical assistance of the Harbor Department staff—the State Legislature passed the Dickey Bill regulating water pollution in state waters. Regional Water Pollution Control Boards were established to define the beneficial uses of water in their districts and to establish formal water quality standards. The Board for the Los Angeles region adopted their "Long Range Waste Disposal and Water Quality Objectives for Los Angeles and Long Beach Harbors" in 1954.

Eight years earlier, in 1946, the Los Angeles Harbor Department had initiated voluntarily a program which greatly improved the quality of its waters compared to what it had been. Regulations were adopted by the Department which led to the present practice by the Harbor's Port Warden to investigate any and all evidence of water pollution with special emphasis on all types of oil spills. On discovery of evidence of water pollution, he immediately notifies the State Department of Fish and Game, the United States Coast Guard, and in the case of industrial waste, the Los Angeles Bureau of Sanitation. It is customary for the Department of Fish and Game to issue citations for oil spills or in cases of oil pollution; however, when such a citation is not issued, the Port Warden files an application for criminal complaint with the Deputy City Attorney's office. These activities have furthered the reputation of Los Angeles Harbor throughout the shipping industry as one of the cleanest ports in the world.

A water monitoring program, implemented by the Harbor Department nearly 25 years ago, and still in effect today, alerts personnel to any new sources of water pollution and their correction. As an example, if any toxic substance is found in an oil refinery's waste discharge, the oil company is promptly notified. In the past, the oil company has taken immediate steps to halt the unlawful discharge. Another example might occur in the Port's Fish Harbor where an occasional waste discharge must be eliminated, even though it may not be subject to legal action. On discovery and notification by the Harbor Department, both the pollution and the cause are corrected.

Since World War II, the Harbor has become increasingly attractive to sportsmen. Because of an abundance of bait fish, dealers in live bait come to Los Angeles, from as far away as San Diego to the south and Morro Bay to the north, to catch live anchovies for sportfishing boats. Fish propagation requires water for almost bathing beach standards in which the dissolved oxygen content is five parts per million or greater, together with liberal quantities of nutrients.

There have been several major sources of water degradation at the Port of Los Angeles, some of which in recent years have made it impossible for the water in certain Port areas to sustain these ingredients. The fish and the plant life had either diminished or disappeared completely from these locations.

One major source is the huge influx of certain chemicals, such as fertilizer, detergents, oil and gasoline from storm and even dry weather run-off from the entire Gardena Valley and the Palos Verdes Hills. The storm sewer leading into the Port's West Basin alone drains 11,000 "asphalt acres." This does not include the run-off from roofs and planted areas, which would more than double the asphalt acre figure. This drainage carries countless tons of oxygen-consuming organic and inorganic material—dead animals and insects, fecal matter, rotting vegetation, etc.

A natural contributor is the seasonal presence of dinoflagellates or red tide, which flourishes during the summer and fall months. Still another natural cause of pollution could be the configuration of the Harbor itself. Some of its basins are relatively large and bottlenecked—a condition that induces stagnation and prohibits full chemical and biological recovery of the water during tidal changes.

Collectively, these sources of water contamination have a tremendous effect on water quality. At the same time, it is difficult if not impossible to instigate any realistic remedial measures to improve Harbor water polluted by them. At present, there are no solutions, or the solutions are impractical from either a physical or an economic standpoint.

Man himself (and his works) is still another cause of water degradation. For example, a number of industrial plants use Harbor waters for cooling and manufacturing purposes. Others add water containing organic and inorganic matter. The return of these waters, now polluted, compound the problem.

The greatest chemical loading of the Harbor waters has always originated outside the actual confines of the Port itself, primarily in the Dominguez Channel, where water drainage from the Gardena Valley is commingled with industrial wastes from a synthetic rubber plant, a petro-chemical company, a concrete products manufacturing operation, a sulphur recovery plant, several oil refineries and countless other sources upstream.

In the Outer Harbor, man-made water downgrading is caused by the effluents of several fish canneries, a domestic sewage treatment plant, and the season recreational use of Cabrillo Beach.

There are the areas where the Los Angeles Harbor Department is making real progress with its strong program against water pollution. Tangible results are being obtained in upgrading water quality which has been in the past lowered by the operations of man. Although the industrial wastes entering the Harbor are already much cleaner, they can be improved still further. In fact, they can be improved to almost any extent—provided man is willing to pay the price. Although the Port does not allow ships to discharge liquid and solid wastes inside its confines, many vessels cannot meet this stringent requirement. It is necessary that Federal standards be established for both ships and boats, requiring installation of holding tanks for their refuse or standard fittings for connecting directly to shore facilities.

Federal and state laws now regulate pollution-causing discharges into the Harbor, and the State Water Quality Control Board has jurisdiction over many of the pollution activities within the State of California. The Harbor Department has assisted this program with its continual testing of Harbor waters and its program of water surveillance and pollution elimination. The Department is also deeply concerned, not only with water pollution and its correction, but also with the development of complete programs of waste management and disposal for all discharges now entering the Harbor.

The Los Angeles Board of Harbor Commissioners reaffirmed the Harbor Department's long-standing concern with water pollution when it adopted the following anti-pollution policy statement in the summer of 1969:

"The Los Angeles Harbor Department adopts as its objective the improvement of the quality of Harbor waters so that an environment favorable to sea life could exist.

"The Los Angeles Harbor Department will initiate and will participate (as it has in the past) in research studies by responsible organizations to obtain the necessary information to achieve the objective stated above.

"The Los Angeles Harbor Department will continue the program it founded in 1946 to develop and implement an effective water quality improvement program, based on reliable research and utilizing proven anti-pollution systems as they are developed.

"The Los Angeles Harbor Department is ready and willing to participate in developing complete programs of waste management and disposal for all discharges now entering Harbor waters, regardless of source."

The progress and the improvement that has taken place in just a year's time is substantial. The Harbor Department itself is directly responsible for some of the accomplishments, but it cannot take credit for all that has happened. Only through the cooperation of business and industry, citizen groups and government agencies, port users and port workers could so much be accomplished in so short a time. Again, as in 1946, the Port of Los Angeles provided the impetus. Concerned people brought about the results. Here are some of the accomplishments, along with a few remarks from those interested in or affected by them.

An oil products company, a Harbor tenant for more than 45 years, had been polluting the Inner Harbor of the Port with 72,000 gallons of separator wastes and nearly three million gallons of cooling waters a day. Harbor Department watchfulness led to the eventual cease-and-desist order issued by the Regional Water Quality Control Board. The firm was finally forced to shut down be-

cause it found it was too expensive to comply with the established water quality standards in Los Angeles Harbor. Today, there are schools of anchovies in the Inner Harbor area where this plant had been discharging. It had been many years since they were spotted there.

Port regulations in effect for years were supported by the new Federal law of January 1, 1970, which requires clean-up of oil spills within a harbor. All waste discharges from ships at Los Angeles Harbor, including oil spills, have always been immediately confined, cleaned up and removed. Many industrial and commercial harbors, rather than actively cleaning up oil spills, have simply relied on the tide to take the oil or waste out to sea.

There are 32 companies or agencies which in the past have discharged about 400 million gallons of polluted water per day into the Harbor at 57 locations. In addition, 27 companies or agencies were discharging about 1.5 million gallons per day into 16 separate storm drains, all of which eventually empty into the Harbor. In the last few years, many of these companies and agencies have invested millions of dollars in waste water control to upgrade these discharges. One oil company alone has spent more than $8 million in the past five years and will spend at least another $7 million in the next two or three. The results of these expenditures and these efforts by users of Harbor waters to improve their effluence are considerable. All of the major contributors now have pollution control measures in effect and chemical pollution has been reduced drastically. The quality of water input from the Dominguez Channel into the Harbor has been greatly improved.

Our surveillance of Harbor waters disclosed that trash fish from fishing boats calling at the canneries on Terminal Island were dumped overboard, and decks were washed down into Fish Harbor. This practice has ceased, the bottom of the Harbor has been cleaned up by the canneries, and the fauna and flora have returned. Schools of fish and flourishing plant life are now being seen in this area.

James A. Eddy, Commodore of the Los Angeles Yacht Club in Fish Harbor, has complimented the Harbor Department on "the progress made in reducing the pollution of water" in that area.

Commodore Eddy pointed out that the Department's "approach to the problem has resulted in very evident, real improvement in the condition there" and "for the first time in 25 years, the bottom may be seen from the surface of the water.

"The significant improvement accomplished in a relatively short period of time amply illustrates that, with continued effort, Fish Harbor can remain an industrial area with recreational facilities of which we may all be justly proud, thereby proving that the two functions can live in compatibility, side by side," he said.

While world commerce is the Harbor's major business, the waterways are used for recreation as well as commercial and sportfishing.

For the twenty-first consecutive year, the Port of Los Angeles and its fishing facilities in San Pedro and Terminal Island have led all United States ports in the value of the commercial fishing catch—more than the giant Eastern seaboard fishing center. Last year, 407 million pounds of fish were landed at the Port. The value: $40.5 million.

The Harbor Department has proposed a new ordinance aimed at prohibiting the discharge of raw waste from all vessels, including small boats, into Harbor waters.

Raymond M. Hertel, Executive Officer of the State Water Quality Control Board, commended the Los Angeles Board of Harbor Commissioners and the Harbor Department for its "progressive actions" with reference to the proposed ordinance. He singled it out as "another significant step taken for the upgrading of the waters of your Harbor" and said that in his opinion, "given the adequate manpower to implement fully. . . . , it will be one of the strongest controls of this type of a waste disposal in the nation.

"The actions of the City and its cooperation with this Regional Board in the enhancement of the quality of the water of Los Angeles Harbor is most sincerely appreciated," he added.

Charles F. Crawford, President of the San Pedro Chapter of the Izaak Walton League of America, has expressed "sincere appreciation to the Commissioners and the Staff of the Port of Los Angeles for outstanding efforts to improve the quality of the waters of Los Angeles Harbor.

"To the best of our knowledge," he said, "Los Angeles Harbor is the first major port in the United States to upgrade the quality of Harbor waters to any substantial degree."

In extending appreciation to the Port for "your efforts to preserve our environment," Crawford said that surveys and observations by his conservation group have indicated that former polluted areas of the Port have made such rapid changes that the Port's waters are once again suitable for fish habitat . . . a truly remarkable change has taken place.

The Harbor Department also is involved in an inter-agency program for the development and extension of the entire sewage system throughout the Harbor to upgrade the disposal of industrial waste.

The new system, when completed, will prevent contamination of Port waters from sewage and will also provide for future Port expansion and environmental improvement.

The total project involves $30.5 million for enlarging and improving the capacity of the Port's Terminal Island treatment plant and installing an acceptable waste disposal facility plus more interceptor sewers and pumping stations.

In a cooperative effort, the Harbor and Public Works departments are co-sponsoring a $200,000 study by a consulting firm to redesign the sewage system and treatment plant and complete the first harbor-wide ecobiological investigation and report ever made at the Port.

Preliminary information indicates that one possible activity for improving the Port environment would be to dredge the entire Harbor to remove the bottom sludge that has been accumulating for years.

While the ecobiological study is now underway, the complete sewage system project is presently awaiting proper funding by the City of Los Angeles.

The Department is also providing technical support to other city, county, state and federal agencies in their programs to combat pollution. The Harbor Department's Chief Engineer is a member of three committees of the Regional Water Quality Control Board, serving as chairman of two. The committees are investigating the causes of water pollution at the Harbor in order to establish further controls and, wherever possible, to completely eliminate the problem.

The Harbor Department has secured appropriations from the Federal government for hydraulic model studies of the entire San Pedro Bay by the U.S. Corps of Engineers, which are expected to aid in defining pollution problems and possible methods which can lead to additional improvements in water quality.

Several months ago the Department increased its personnel in the Port Warden's Division from 35 to 47 for still more thorough surveillance of the entire Harbor and still more stringent enforcement of regulations and laws concerning water pollution.

Portable underwater television equipment is now being used by divers under contract to the Harbor Department to locate jetsam beneath the water surface. This adaptation of closed-circuit television aids in the removal of all types of pollutants and also pinpoints areas where problems may exist.

The Los Angeles Harbor Department also is urging the United States Coast Guard and Department of Interior to establish an earlier timetable for pollution control by setting guidelines now so that national pollution standards can be implemented as soon as possible.

The Harbor Department is interested in a project proposed by a local firm that has specialized in pollution control for years. The project calls for using 5,000-gallon collapsible rubber tanks to collect sewage from ships docked in the Port, which would provide a more immediate solution to the problem of water pollution by raw sewage and other discharges from ships. Plans being considered by port authorities and the federal government propose holding tanks for sewage on all new vessels and for modification of older ships by adding such holding tanks. A grace period of two years would be allowed for ships newly-built, while older ones would have five years to meet these proposed requirements. By using the rubber tanks, however, the costs of adding holding tanks to ships would be eliminated, unless required by law, and pollution of Harbor waters from this source could be entirely terminated immediately.

The California State anti-water pollution law, which has been in effect since January 1, 1970, has been described as having more "teeth and muscle" than any other similar law in any state in the nation or any country in the world. The law imposes a stiff penalty on polluters who continue to discharge waste material into a water resource while under a cease-and-desist order. It also makes it mandatory for an offender to clean up any pollution he may have caused. If a polluter destroys the aesthetic enjoyment of a water resource by creating a nuisance, he can be ordered to cease and desist, and fined up to $6,000 per day if the order is not obeyed. Legislation such as this is aiding the fight against water pollution in Los Angeles Harbor.

The Harbor Department and its Commissioners, however, are pressing for even stiffer controls, in the belief that what is done today will determine what California and Los Angeles will be like tomorrow. Many believe that the anti-pollution program now in effect at the Port of Los Angeles should be duplicated throughout the state and the nation if man's environment is indeed ever to be corrected.

Water pollution is a complex problem. The complications and the lack of complete information about causes and methods of correction make it impossible to develop more specific and complete programs for water quality improvement at this time. In areas of Los Angeles Harbor where progress has been made, however, progress will continue. Until the studies and investigations now underway are completed, permanent and complete solutions are not possible. A great deal more must be known.

For instance, how do you stop pollution of the Harbor which originates when gasoline and oil drops onto the asphalt in a service station, is hosed down or washed away by rain into storm drains which empty into channels leading to and finally reaching Port waters? Or how do you prevent rubber tire dust from freeways, insecticides and chemical fertilizers, air pollutants and car-wash detergents from being washed away by rain or by man into a chain of channels which end in the Harbor? How do you prevent natural pollution from such things as the red tide or insufficient circulation of water by tidal changes? Questions such as these pose serious problems.

Historic progress could be made immediately if everyone would simply stop polluting. But that would be possible only if everyone stopped everything they are doing and did

nothing. The fight against water pollution can be won, but it will take a complete waste management program to do it. It will mean a change in our life styles and investments of billions of dollars. It is estimated that it will cost up to $200 million just to prevent pollution at Los Angeles Harbor alone. And, although the cost is being borne by government entities, such as the City and Port of Los Angeles, and private companies, such as oil and manufacturing firms which use Harbor waters and the ocean for waste discharge, the cost will finally filter down to the people, who will pay the bill through taxes and higher prices for the products and services from those private companies and government entities. No complete study of the economics of correcting water pollution has been made, but it is certain that it will be astronomically expensive. In providing a better place in which to live, the people at Los Angeles Harbor believe, as do most people, that the results will be well worth the cost of obtaining them.

Such results are already evident at the Port of Los Angeles, because of the antipollution program now in effect. The continued progress will be in direct proportion to the money available. Consider for a moment that it cost the United States $20 billion in ten years to put man on the moon. If the same planning and technology were applied to the problem of water pollution in the same proportion to the size of the job as compared to landing man on the moon, the fight against water pollution could be won in less than ten years.

Today, the war against all pollution has been waged by the people and it is a war we cannot afford to lose. Los Angeles Harbor belongs to the people, and the Board of Harbor Commissioners and the Harbor Department is winning one of the battles of that war.

AMERICA'S ELDERLY CITIZENS—IGNORED, SHORTCHANGED, AND FORGOTTEN

Mr. MONTOYA. Mr. President, our society responds to scandalous exposés and suddenly revealed scandals with howls of outrage. Yet when there is a publicly known, ongoing evil, people more often than not acknowledge its presence and calmly go about their business.

Such is the case of the elderly in our society. In other nations, these citizens are valued above all others. Their white hairs and life experience are due and receive full measure of respect. They are sought out for advice and actively participate in the life of their society. Only here in America do we increasingly segregate, ignore and give them an inadequate pittance so they may barely survive. Please note my use of the word "survive." It differs greatly from the word "live" or "enjoy."

Acknowledgment of the condition does not alleviate the situation. Never has so little action lurked behind so much rhetoric. One particular group hurting terribly these days are retired civil servants. These retired employees and their survivors number approximately 997,000 out of 22 million Americans who qualify for the title of senior citizen. Of these 997,000, 276,000 receive less than $100 monthly in annuity. How many can live on that?

Five hundred fifteen thousand receive less than $200 monthly in annuity; 619,000, or more than 60 percent, receive less than $250 monthly, which sets them below the level of $3,000 annually. Hardship is their daily lot. Deprivation in the midst of abundance is what they live with. This is America's shame, and it cannot be denied or evaded.

I have authored several measures to either correct these inequities or alleviate their worst effects on retired civil employees and their survivors. S. 421 and S. 422 would increase all annuities on a graduated basis—aimed at aiding these retirees in the face of spiraling inflation. A graduated annuity increase to those presently receiving the smallest annuity would be a perfect solution to their major problem.

Another measure I have introduced would rectify the unfair practice of imposing income tax on annuities of retired Federal employees while exempting other forms of retirement income from such taxation. These measures, Mr. President, provide only the smallest measure of consideration and relief for older citizens. Yet this is tenfold more than the administration is willing to allocate.

There is another area where the scandal is as great and conditions are as oppressive on the elderly. This is in regard to drugs and hospital care. About one-third of all long-stay patients in hospitals are over 65. Eighty-five percent of all over 65 require continuous medication even while not in hospitals.

Yet these very people are faced with an impossible burden in the form of drug costs. They simply cannot afford to pay for drugs that either keep them well or alleviate daily pain. It is all too often a choice between food and drugs. What are they to do?

I am the original sponsor of the bill to extend coverage of medicare's umbrella to cover outpatient drugs. Not too long ago we almost got that measure through the Senate. It only failed of passage by two votes. We shall try and try again until we have made this promise come true for our older citizens. About 30 percent of retired Federal employees are covered by social security. Many could benefit from expanded medicare benefits and coverage.

The public must realize that although our elderly represent a shade over 10 percent of the population, they account for nearly 25 percent of all prescription drug costs. Their annual per capita expenditure for drugs is three times that of persons under 65.

At present medicare law does not provide for any personal drug outlay, the largest personal expense the aged have. Our drug industry has a phenomenal rate of return on invested dollars—higher than any other segment of business. They spend $2 on advertisement for each one on research, and most research work they carry on is done with Government dollars. Former Secretary of Health, Education, and Welfare Finch shares my view on this subject. His special task force recommended extension of the medicare law to cover drugs. Yet Government has taken no action.

I believe the case is easily made that older people in our society are being treated abominably. This has nothing to do with politics. It is simply that America as a society has no vested interest, as she now sees it, in treating such people with simple justice.

All have worked hard all their lives. Civil servants I spoke of earlier have given lifetimes of service to their country and communities. Now we continue to ignore them, forgetting that eventually we too will all be harmed by the same set of circumstances.

One final point deserves to be made here. In the last century, Bismarck's Germany treated its older citizens better than we do today. America prides itself on accomplishment and a few other things as well—conscience, morality, a sense of obligation, justice, and compassion. All those finer and higher human emotions have usually motivated our country to do what is correct. In this case, we have encountered a peculiar blank spot. I think it is long past time for us to reexamine the plight of our elderly, and what we, as human beings, must and should do.

DEVELOPMENT OF NATURAL UNDERGROUND STEAM RESOURCES

Mr. BIBLE. Mr. President, since 1963 I have devoted considerable time and energy to efforts to enact legislation making it possible for America—and particularly the Western States—to develop our vast reservoir of natural underground steam resources. It is my conviction that the harnessing of geothermal steam for power generation and mineral production is absolutely essential to our long-range blueprint for wise and judicious use of America's natural resources. And I am encouraged that many Senators share that conviction.

The 89th Congress passed my bill setting up a leasing system for public lands, where most geothermal resources are located, to encourage private industry development. The President, however, vetoed the measure because he objected to certain provisions.

I have reintroduced substantially the same legislation during the present session, and, following recent hearings by the Interior Subcommittee on Minerals, Materials and Fuels, it was ordered reported. It will be considered by the Committee on Interior and Insular Affairs in the near future.

Increasingly, a great many knowledgeable men representing both the public and private sectors have come out forcefully in favor of geothermal steam development. For example, testimony before the subcommittee by Assistant Interior Secretary Harrison Loesch made it clear the Department of the Interior recognizes the importance of the proposal and is anxious to see it implemented.

Even more recently, a geophysical research team from the University of California at Riverside announced the discovery of seven new geothermal fields extending south from California's Imperial Valley to northern Mexico.

The findings of that research team, headed by Dr. Robert Rex, were made public in a document entitled "Investigation of Geothermal Resources in the Imperial Valley and Their Potential Value for Desalination of Water and Electricity Production."

As the title implies, this study concentrated not only on the benefits to be reaped from the use of geothermal steam

as a source of electric power, but on its great potential for augmenting existing water supplies. Dr. Rex concluded that it is economically feasible to desalinate California's vast underground "ocean" and produce distilled water in quantities sufficient to augment Colorado River resources.

Mr. President, because I believe this study is of considerable importance in our continuing examination of the potential of geothermal resources, I ask unanimous consent that a synopsis of the team findings be printed in the RECORD.

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

DEVELOPMENT OF NATURAL UNDERGROUND STEAM RESOURCES

RIVERSIDE, CALIF.—A major source of pollution-free power—considered sufficient to supply most of the projected needs of California for the rest of this century—has been located in the Imperial Valley by a geophysical research team from the University of California, Riverside.

In a report made public today (Thursday, August 6, at 6:00 p.m.), Dr. Robert Rex, team leader and professor of geology at UC Riverside, outlines the discovery of seven new geothermal fields stretching through the Imperial Valley south to northern Mexico.

The UCR report terms each of these fields as possessing "the promise for economical production of electrical power and water desalination." The new discoveries are located in the following areas:

1. North Brawley, near the city of Brawley.
2. East Brawley, near the city of Brawley.
3. Heber, near Calexico.
4. Glamis, east of the Algodones Dunes.
5. Dunes, near the Coachella Canal east of Holtville.
6. Alamo, near the international border.
7. Mesa, on East Mesa east of Holtville.

This vast underground "hot ocean"—in reality, a series of geothermal steam fields bubbling at temperatures exceeding 500° F.—has the power potential to produce more than 20,000 megawatts of electrical energy and five to seven million acre-feet of distilled water annually for at least three decades, and possibly one to three centuries, according to surveys conducted by the UCR research team.

"If developed successfully," states Dr. Rex, "this new power resource has the capacity for restructuring the entire economy of southwestern United States and northern Mexico. As one measure of this fact, our studies indicate these new geothermal fields have an electrical power potential fifteen times that of Hoover Dam when it is operating at capacity.

"More important," adds the UCR geologist, "geothermal power can be completely pollution-free. It does not contaminate the environment."

Geothermal steam fields—produced when superhot rocks meet cold underground water—are scattered throughout the Imperial Valley in California and the Mexicali Valley in Mexico, Rex said. However, until the UCR studies proved otherwise, they were considered uneconomic for producing either energy or water due to the high salinity found in samples obtained in and near the Salton Sea. While it remains true that fields adjacent to the Salton Sea are highly saline and thus of marginal economic value, the UCR studies show conclusively that this is not the case with the other steam fields located elsewhere in the Valley. It is this fact that is of primary importance in the two-year field work conducted by the UCR geological team, Rex stressed.

The UCR studies indicate that the steam fields on the California side of the border are similar to those located in Mexicali, Mexico where the Mexican government is currently constructing a 75-megawatt electrical plant at Cerro Prieto.

The Colorado River basin is a prime water-deficient area in western United States. Not only is there insufficient water to meet future needs in the area, but the quality of the water available is also deteriorating rapidly, according to the UCR report.

"Geothermal water desalination would produce distilled water that could not only augment Colorado River water, but maintain its quality as well," Rex said. "In addition, I believe this can be done at costs competitive with imported water."

The UC Riverside scientist indicated that between 2000 and 5000 wells might have to be drilled to fully develop the steam potential located in the Imperial Valley.

According to Rex, the underground reserves of hot water and brine have been formed over millions of years in the Mexicali-Imperial Valley areas because of the geological phenomenon of sea floor spreading. This activity, currently causing Baja California to move away from Mexico, has been accompanied by an upward movement of extremely hot rocks very near to the surface of the earth.

Consequently water from the Colorado River, accumulating in these areas, has been subjected to abnormally high heat flow from these high temperature rocks. Rex estimates that there may actually be as much as 4–6 billion acre-feet of very hot ground water in storage in the underground "ocean" located in the Imperial-Mexicali valleys.

"I believe geothermal power offers California a method of coping with its growth while protecting its environment," Rex said.

"It does little good to protest that one energy source is excessively polluting the environment if no alternatives are available. Geothermal energy is an available alternative. It has great promise and potential as a pollution-free source. However, much work remains to be done.

"At least five to six years of additional study are needed to fully demonstrate with test drilling sites the feasibility of tapping this natural resource for use as a source of energy and water. I have no doubt it can be done. The Mexicans are already far along in developing a major field at Cerro Prieto. The Mexican geological setting is nearly identical to that found on the U.S. side of the border only a few miles away. In my opinion their success can be ours."

Current funding for the Rex research project has come from a variety of public and private groups including the Bureau of Reclamation; the Metropolitan Water District; the Imperial Irrigation District; the Southern California Edison Company; the Standard Oil Company of California; the Academic Senate, University of California, Riverside; the International Engineering Co., Inc.; the National Science Foundation; and the Chevron Oil Field Research Company.

THE SEA AS A GARBAGE DUMP

Mr. HATFIELD. Mr. President, it is imperative that Americans place more emphasis on using the oceans wisely. We cannot continue to use the sea as a garbage dump. It is to no one's benefit to misuse this valuable source of food and minerals, for this misuse may result in the destruction of these resources. A multiple-use approach, on both the national and international levels, must be employed with respect to the sea.

On the national level, the President recently issued an executive reorganization order which would establish a National Oceanic and Atmospheric Agency in the Department of Commerce. Such an agency is urgently needed to provide a leadership and coordination role in the oceanic and atmospheric research and development program. We must gain more knowledge about the sea and what can and cannot be done with it from an ecological point of view. President Nixon is to be commended and supported for this reorganization, which is a result of the recommendations of the Commission on Marine Sciences, Engineering, and Resources.

Internationally, the administration is developing and will propose a seabed use treaty, which should establish an international regime for the exploitation of seabed resources beyond a limit to be established by the treaty. Because of the inherent international character of the seas, it is necessary that such a regime be established. I am hopeful that we will be successful in this endeavor, and that any regime established will deal with pollution problems in this international area, just as we must deal with these problems in areas under our jurisdiction.

Mr. President, the Senate must become more aware of these problems and developments. An editorial published in the Washington Sunday Star of August 2 pointed out the urgency of gaining knowledge about the sea. Gordon Taylor has written an article dealing with the pollution of the sea. In order that the articles might be available to all Senators, I ask unanimous consent that they be printed in RECORD.

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

POLLUTION, GREED AND THE VULNERABLE SEA

From the beginning of recorded time, man has looked on the oceans of the earth and reacted alternately with awe or disinterest.

The sea, man has said, is the giver and sustainer of life, eternal, and immutable. And man has viewed the ocean as every man's land, so vast that territorial claims are unthinkable and unnecessary, so bountiful supplier that no thought need be given to the harvest of food that is gathered in, so deep and so forgiving that it can readily absorb all the refuse of human existence.

Long after man's intellect began ringing faint alarms, the myth of the oceans' immunity from the poisonous by-products of civilization persisted. Today, when man's numerical presence threatens to overwhelm the planet, and when humanity's refuse includes deadly garbage and radioactive trash, the oceans are still generally treated as the ultimate receptacle.

For decades men have known that the food supply offered by the seas is not limitless. And yet, as the demands for food increase and the technology of harvesting edible fish improves, there is general unconcern over the effect of this harvest on tomorrow's crop. Men understand now that the area beneath the oceans is not the worthless, unreachable territory it was once thought to be. The mineral wealth of the combined nations of the world are a fraction of that which lies untouched in the mountains, valleys and plains of the ocean floor. The ability to tap this treasure is almost within man's technological grasp. Only now have men become jolting aware of the danger inherent in the fact that more than 70 percent of the earth's surface is unclaimed. Only now, at virtually the last possible moment, has thought been given to reaching some international agreement before human

greed reaches the seabed, making it the prize in mankind's ultimate war.

The long tradition of national disinterest in the waters and the ocean bed beyond the continental shelves will be a help in the search for an international accord on the uses of the oceans and the seabeds. The ancient concept of the open ocean as international waters will make it possible for men to approach the problem of codifying the neutrality of the seas and seabeds free of any preordained opposition. International agreements entail a voluntary surrender of some degree of sovereignty. The fact that no nation that gives up rights to the oceans would be surrendering anything it ever considered its own has already produced promising results.

It has allowed Russia and the United States to agree on the terms of a treaty that will, if it is accepted by other nations, keep the seabed free of the weapons that could transform the oceans into nuclear launch pads and battlefields. It has allowed President Nixon to propose a world treaty that would turn over 90 percent of the seabed to an international agency, to be exploited for the benefit of all nations as the "common heritage of mankind." And the tradition of oceanic laissez faire has made it possible for the representatives of 50 nations to meet recently in Malta and to report unusual and encouraging agreement on the need for international control—probably under the United Nations—of all exploitation of the oceans, including the taking of fish.

So the history of national indifference toward the high seas is helpful in establishing an international ocean regime. But that same tradition operates with terrible effectiveness against the belated attempt to save the environment.

Men have developed a fine concern for the air, and are moving to reverse its degradation. We have discovered that some of the chemical blessings of science are mass killers in disguise, and we are phasing out the use of the deadly insecticides and other persistent poisons. We have awakened to the damage we have done to rivers and lakes, and have begun to legislate a program of reclamation.

But we have, in a masterful denial of logic, clung to a primitive supposition that the oceans are indestructible. We have looked at the unmeasurable volume of the seas and have assumed that the total accumulation of all man's refuse cannot possibly affect them. Armed with that assumption we have littered the coastal ocean beds with raw sewage, garbage and trash. We have disposed of stores of poison gas by sinking it in deep waters. We have poured accumulated radioactive wastes into the ocean. And we have done this with no knowledge of the consequences and no serious attempt to gain such knowledge.

The scant information that is available about the oceans is enough, however, to make it clear that the assumption of their indestructibility is false. The seas are vast in volume but delicate in composition. And man's reckless magic has already worked a measurable change on the chemistry of the seas.

In addition to the refuse being dumped directly into the sea, most of the chemical poisons in the air are washed into the sea by rainfall. So too with the pollution of rivers, streams and lakes; the poison will reach the coastal waters, and eventually find its way to the unmoving regions of the deep waters, where it will accumulate and remain indefinitely.

As yet, DDT cannot be found in ocean water, but it has been found in deep ocean fish in concentrations twice the amount considered safe. The use of tetraethyl lead in automobile gasoline means that 250 metric tons of lead are dumped into the waters of the Northern Hemisphere each year by rainfall, and the lead content of the North Pacific has increased more than 300 percent in the last 45 years. At least 5,000 tons of mercury, carried by the rivers, is pumped into the oceans every year and has produced several mass poisonings. One million tons of petroleum is leaked or pumped into the sea annually from tankers, with the result that there are increasing reports of fish tasting of oil, of whole catches being thrown back. And there is a growing concern that the introduction of these hydrocarbons into the marine food chain might have a devastating and lasting effect on the finely balanced cycle of marine life.

Man's political disinterest in the sea is matched, then, by his scientific neglect and abuse of it. And as a result some dramatic readjustment in thinking and in practice is called for.

President Nixon's bid for a supranational agency to exploit the resources of the seabed for the benefit of all—a proposal that was given short shrift in the press—is one of the most dramatic moves of his administration. Coming from a major maritime nation, one that is in the best position to exploit the oceans for its own benefit, it is a proposal that has been taken seriously throughout the world. There is a good chance that it will form the basis of the most far-reaching and constructive multinational venture ever undertaken.

At the same time, and with an even greater sense of urgency, man must abandon the assumptions and the myths that he has accumulated about the oceans. This country spends billions on space research and years on the study of lunar particles. But the oceans, which gave us life and which offer a hope that the explosive increase of life may be sustained, remain largely unstudied and almost as little understood as they were at the turn of the century. We must learn—and learn quickly—whether the ocean can tolerate the abuse we are inflicting on it. And we must hope that such knowledge does not come too late.

THE THREAT TO LIFE IN THE SEA

(Man is turning the oceans into junk yards. Oil spills and the deliberate dumping of wastes may have critical long-term biological effects.)

(By Gordon Rattray Taylor)

Thor Heyerdahl, of Kon-Tiki fame, has said that he and his companions, in journeys across the Atlantic in their reed boat, could not fill their tooth mugs from the ocean, hundreds of miles from the American coast, because of the filthy condition of the water.

The oceans are filling up with junk and assorted poisons. Man is dumping into the oceans, or into the rivers that flow into the oceans, many thousands of products, the biological effects of which are in most instances unknown. These include oil, chemical effluents, heavy metals, trace elements, dry-cleaning fluids, radioactive wastes, chemical warfare gases and irritants, detergents, pesticides, and innumerable other substances. In fact, practically everything we throw away in liquid form reaches the sea, except a few things that decompose rapidly, while much of what we discharge into the air also descends eventually into the sea. It is reckoned that we now add a half-million different substances to the sea.

Lead, which is pumped into the atmosphere by motor vehicles using fuels spiked with tetraethyl lead to raise the octane number, is now present in the Pacific—an area remote from those in which cars are mostly used—at about ten times the natural level. Even in the Arctic snows, lead is present at seven times the natural level. These levels have been rising ever since tetraethyl lead first was introduced forty-five years ago; by the end of the century they may double.

Pesticides, such as DDT and dieldrin, are accumulating in the sea, as are various curious by-products of industry, whose very names are mysterious to all but the initiated-polychlorinated biphenyls, for example.

Again, the highly poisonous substance mercury is reaching the sea in ever increasing quantities: About half the world's total production reaches the oceans. Already the coastal waters of the Baltic Sea are polluted by it, and it is accumulating in the fish to the point where they are uneatable. Here I wish only to draw attention to the way we are changing the composition of the shallower parts of the sea—areas where most fish live. More than half the world's population depends solely on fish for a supply of essential protein.

A more serious threat may be radioactive wastes. Already, radioactivity can be detected in any fifty-gallon sample of sea water taken anywhere in the world. The U.S. Atomic Energy Commission (AEC) has been mixing low-level wastes with cement in eighteen-gauge steel drums (little more than cans) and dropping them in the Atlantic. Recently Spain complained of such dumping taking place only 200 miles from the Spanish and Portuguese coastline. The British, more economically, run a pipeline a mere two miles out to sea and claim that it is safe to discharge up to 10,000 curies a month by this means. The basis of this claim is obscure. E. D. Goldberg told the American Association for the Advancement of Science meeting in 1968: "Radioactive substances are found in all oceans and all organisms in the marine biosphere."

To make matters worse, it is now seriously proposed that mining and other industrial operations shall be undertaken on the ocean bed where the effluents and "tailings" can be pumped directly into the sea. Among other things, there are rich supplies of manganese. Apart from the fact that underwater workers may be exposed to radiation as a result of our casual attitude to radioactive waste disposal, the heat developed in mixing operations will warm the circumjacent water, which will then rise and ensure the mixing of deep and surface waters. This means that fish, Crustacea, and plankton, which live in shallow waters, will be exposed to the radioactive wastes dumped in deeper waters. The AEC has justified this dumping on the theory that there is little or no mixing of deep and shallow waters. But modern technology is overcoming that benevolent separation.

There is also the matter of sideways movements of the water; though we do know that deep ocean currents, moving very slowly, return the water carried in a contrary direction by surface currents such as the Gulf Stream, the Peru Current, the North Atlantic Drift, the West Wind Drift, the Equatorial Currents, and so on. This no doubt explains the astonishing but little-publicized fact that some of the steel drums containing broken test tubes and other laboratory junk dumped in the Atlantic by the AEC were later trawled up by startled fishermen off the coast of Oregon! By what route they had traveled from the Atlantic to the Pacific remains a nagging mystery.

As if this were not enough, in 1969 a study made by Dr. V. T. Bowen of Woods Hole Oceanographic Institution showed that radionuclides falling from the atmosphere after nuclear explosions penetrate the ocean depths "much faster than had been predicted," at least in the North Atlantic.

It is often forgotten that, in addition to plankton, Crustacea, and fish, the ocean supports seaweeds, some of which are of industrial importance. The agar jelly that scientists use to support bacterial cultures is derived from seaweed; if it were radioactive, it would be useless. Strangely enough, it turns out that sodium alginate, derived from seaweed, is able to purge strontium-90 from human and animal skeletons, while leaving the calcium in place. It would be ironical if, as a result of peacetime carelessness about radioactive wastes, we de-

troyed the only thing that could save lives imperiled by fallout from nuclear weapons employed in war. Nor need we suppose that the kelp might be eliminated simply by direct absorption of radioactivity. For the kelp forests off the coast of California have been degenerating for a quarter of a century as a result of a population explosion among sea urchins, which feed on kelp. The reason for the explosion is unknown, though it seems clear that it is not due to sewage outfalls. The workings of radioactive materials in sea creatures are still mysterious. Thus "hot" clams were found in the Pacific two years after atomic tests—but their radioactivity was due to cobalt-60, a substance not produced in such explosions.

G. G. Polykarpov, a Russian scientist, has shown that quite low levels of radioactivity (0.2 microcurie) seriously affect the development of eggs of various species of fish, causing developmental errors. Polykarpov makes no bones about the implications: ". . . further contamination of sea water is inadmissible."

Fred Singer, an assistant secretary at the Department of the Interior, has calculated that the world-wide oil spillage from freighters, tankers, and oil rigs amounts to about a million tons. But to this we have to add another million tons of waste motor oil, ten million tons of gasoline that has evaporated and that is eventually deposited in the seas, plus a million tons of assorted solvents, making some thirteen million tons of this pollutant in all. Oil is, in some ways, the most damaging of all the half-million pollutants we put in the sea, since it floats on the surface and is not diluted until bacteria have managed to break it up. It also changes the evaporation rate and cuts off light and air from the sea below, rendering the area uninhabitable; tars, of course, are even more persistent.

Crude oil is a complex mixture of products. The aromatic hydrocarbons are known to be acute poisons for man as well as for all other organisms. It was one of the tragedies of the *Torrey Canyon* oil-spill disaster that the detergents used by the British to disperse the oil had been dissolved in low-boiling-point aromatics—which multiplied the damage to marine creatures. The group of hydrocarbons with low boiling points until recently have been regarded as harmless to the marine environment. But it has now been demonstrated that these hydrocarbons, even at low concentrations, produce anesthesia and narcosis, and, at greater concentrations, cell damage and death in a wide variety of lower animals. They also may be especially damaging to larval and other young forms of marine life.

Max Blumer, a senior scientist at the Woods Hole Oceanographic Institution, believes that the long-term effects of low concentrations of oil may be even more damaging and long-lasting than the obvious short-term ones. Many predatory fish find their prey by their sense of smell, while others escape predators by the same means; migratory fish certainly home by a fantastically delicate analysis of the smell of a particular body of water. The amounts of substances detected by olfactory means are incredibly small—a few parts per billion of water. The presence of oil and its associated aromatic fractions completely masks such smells—a thing as serious for the fish as being blinded would be to a man. The fish may also be misled by false cues. "This," says Blumer, "may have a disastrous effect on the survival of any marine species and on many other species to which it is tied by the food chain."

Furthermore, we know little about the effect of oil on the creatures that inhabit the sea bottom. In the ordinary way, oil sinks very slowly, but the use of chalk to sink oil swills often is regarded as better than using detergents. We do not know whether the oil stays where it is sunk, but we do know that it will continue to exist for a long time before bacteria finally consume it. As man exhausts landward oil supplies, he will turn increasingly to undersea sources, so that leaks (like that which caused disaster at Santa Barbara and which continues to flow) will become steadily commoner. Comments Blumer: "If we do not take care of the present biological resources in the sea, we may do irreversible damage to many marine organisms, to the marine food chain, and we may eventually destroy the yield and the value of the food which we hope to recover from the sea."

Blumer's complaint was sparked by a cruise of the Woods Hole research vessel *Chain* to the southern Sargasso Sea. The special nets that were towed to retrieve surface creatures always came up containing numerous lumps of oil tar as large as tennis balls. After three or four hours of towing, the nets were so encrusted with oil that they had to be cleaned with a strong solvent, and sometimes tows had to be cut short for this reason. It was estimated that there was three times as much tar as there was Sargasso weed in the nets.

The emulsifers used to disperse oil spills only make matters worse for shore creatures, since they wet their surfaces enabling oil to penetrate them. Winkles have an inbuilt mechanism for escaping danger, which is to relax their hold and fall into a crevice or pool. Unhappily, when there is oil pollution, this is just what not to do. Detergents disperse the oil over the beaches and into the rock pools, and instead of floating on the surface it becomes dispersed throughout the water, choking the starfish, seaweeds, and shallow-water organisms that would otherwise have escaped. Many types of sea creatures of the kind known as gastropods hatch their young under stones on the shore or in the masses of jelly on the surface of seaweeds. Thus, they suffer badly from an oil spill and may never recover.

When the *Torrey Canyon* ran aground, it was fifteen miles from shore, and the bulk of the oil was lost in the Bay of Biscay. It was detected 250 miles from Land's End; at this point, where the ocean deepens rapidly, it vanished. What would happen if a whole tanker load arrived on a single shore, or, worse, were spilled in an enclosed area like the Milford Haven estuary, beggars the imagination.

Dr. A. Nelson Smith of University College of Swansea, who makes this comment, had studied the Milford Haven estuary, where there have been three major spills since it was opened as an oil port some ten years ago. He found that many Mollusca were totally eliminated in some areas, and decimated in others. When he returned after nine months, some species were showing recovery, but others had gone further downhill. "Most of the seaweeds of the upper shore were simply no longer there," he says. The few large plants which could be seen "were dry, blackened, and obviously dead."

The effect on sea birds is too well known to need describing. And as Lt. Col. C. L. Boyle has said: "The chances of a seriously oiled bird making a complete recovery are still meager." The birds brought to the Slimbridge Bird Sanctuary after the *Torrey Canyon* incident died of enteritis, stress, and pulmonary conditions, and many developed acute arthritis.

With the opening up of a northwest passage to the north shore of Alaska, where a huge new oil field has been found, no doubt some of the ecologically most serious spills of the next thirty years will be in this area. It is substantially closed in by islands—it even has been argued by the Canadians that it should be regarded as inland territorial water. Spills therefore will not be dispersible and necessarily will drift aground on islands and peninsulas, which are among the few large untouched habitats remaining on the planet. Already, during the exploratory voyages in 1969, two vessels have been crushed in the ice and oil has been spilled.

In theory, a system of control of oil pollution exists. The International Convention for the Prevention of the Pollution of the Sea by Oil, set up in 1954 and amended in 1962, attempts this. The body that administers the convention is the Inter-Governmental Maritime Consultative Organization, and in 1969 it held conferences aimed at making control less ineffective: It urged governments to impose stiffer penalties and take other steps to reduce oil pollution. But governments are slow to fetter the freedom of oil companies, as everyone knows.

When the Food and Agricultural Organization discussed ocean pollution early in 1969, Dr. Sidney I. Holt of the FAO staff sadly observed: "Pollutants are increasing almost faster than our ability to get information on them." So alarming was the situation revealed at this conference that the FAO has summoned another, more technical meeting at which experts will pool their information as to the effects of marine pollution on living resources and how to deal with the situation. The meeting is called for December 1970, and a hoped for result is the establishment of a world monitoring system to spot pollution as it occurs and to give more precision to the scope of the problem.

The late Dr. Lloyd Berkner, who was president of the Graduate Research Center of the Southwest, wrote a paper a few months before his death in 1966 drawing attention to the fact that the world's supply of oxygen comes largely from the diatoms, the small free-floating plants which form the basic food of most fish. Earth's oxygen would be used up in 2,000 years if not replenished by the photosynthetic activities of plants—that is the process by which they make sugars from carbon dioxide and water in the atmosphere, a reaction powered by sunlight, giving off oxygen which they have split from the carbon dioxide. Seventy per cent of the new oxygen comes from diatoms, the rest from land vegetation. "If our pesticides should be reducing our supply of diatoms or forcing evolution of less productive mutants," he pointed out, *"we might find ourselves running out of oxygen."* (The italics are Berkner's, not mine.) Since we know that fish are loaded with pesticides, it is absolutely certain that the diatoms are also, for this is how they get into the fish.

As scientists absorbed this shattering notion, it was pointed out that herbicides are effective in destroying phytoplankton, and a little calculation suggested that it would take the shipwreck of only three tankers the size of the *Torrey Canyon* containing herbicide to produce a catastrophe of this magnitude. At present, to be sure, we do not move herbicides around the world on such a large scale, though rather large quantities have in fact been sent to Vietnam to defoliate the jungle.

However, it was not the risk of herbicidal action but of pesticides like DDT which Berkner emphasized. Charles Wurster, Jr., of State University of New York at Stony Brook, has demonstrated that DDT does in fact impede the photosynthesis of plankton. To disrupt this process is to impair the ability of the ocean to manufacture oxygen.

FIFTH ANNIVERSARY OF DISTRICT OF COLUMBIA FOOD STAMP PROGRAM

Mr. McGOVERN. Mr. President, on July 1, 1970, the District of Columbia food stamp program marked its fifth anniversary. At the celebration were five of the original food stamp recipients, who gave personal accounts of

what the food stamp program has meant to them. I found their remarks a fitting commentary on our present efforts to improve the food stamp program for all who are hungry and in need. I ask unanimous consent that the testimony of one of the participants be printed in the RECORD.

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

TESTIMONY OF MARTHA PETTUS, CHAIRMAN, SHAW AREA WELFARE COMMITTEE AND CONSUMERS

My name is Martha Pettus. I am a food stamp user. I am very grateful for the food stamp program as it enables me to buy food without stinting, Before I started with the food stamp program there were many times that I wanted to buy food that I could not afford due to limited funds.

I have been with the program for 2 years. I started out on an emergency basis paying 50¢ for $23.00 worth of food stamps with public assistance pending. When public assistance was granted the cost for food stamps was raised to $38.00 for $64.00 worth of food stamps. That was pretty rough coming from a $140.00 grant as I still had to pay $70.00 for rent in addition to paying for utilities. And sometimes I had to have a little outside help.

But last February there was a change in the program. On the 1st of February, 1970 when I received a certificate for more food for less money I could hardly believe it. It was a God send!

Our slogan is (HHH)—Hit hunger harder and that is exactly what has been done and *will* be done, with *His* grace.

FOOD STAMP CUSTOMERS—BENEFITS FOR FIVE YEARS

Mrs. Geneva Lacewell, 140 57th St. S.E., East Capitol Dwellings. Mrs. Lacewell was the first Food Stamp customer in 1965. She has six children and over the five year period has received $2500 in bonus Food Stamps. Today she pays $96 for $162 worth of Food Stamps. In 1965 she paid $76 for $112 in Food Stamps.

Mrs. Lacewell is a resourceful mother who has raised her family within the limits of the Public Assistance grant and the Food Stamp bonus. Her oldest child is a student at Federal City College.

Mr. and Mrs. Albert Arminger, 4010 S. Capitol Street. Mr. and Mrs. Arminger were greeted by Secretary of Agriculture Orville Freeman and Rep. Leonor Sullivan when the Food Stamp Program began in 1965.

Mr. and Mrs. Arminger live on a combination Social Security payment and supplemental Public Assistance grant. They pay $26 for $56 worth of Food Stamps. At the time the Food Stamp Program began Mr. and Mrs. Arminger paid $32 for $48 in Food Stamps. Their bonus has increased $14 a month and now totals $30 a month in extra food buying power. Over the years Mr. and Mrs. Arminger have received $932 in bonus Food Stamps.

Mrs. Kathleen Huff, 1456 Bruce St. S.E. Mrs. Huff who is 36-years-old was an original Food Stamp customer, transferring from the commodity or "surplus food" program. When her six children were young, Mrs. Huff's family lived on the disability pay granted to her husband Edward. With the help of Food Stamps she was able to manage more food for their six children.

Over the years, Mrs. Huff managed to get training and is now working as an assembler at Control Data. With two incomes the family is no longer eligible for Food Stamps. However, when emergency struck the Huff household in January 1970, Food Stamps again assisted in keeping the Huffs well fed. Mrs. Huff was forced to stop work for several months while she recuperated from an operation. During that time the family was again eligible for Food Stamps and the family was able to meet their nutritional needs in spite of reduced income.

RECOMMENDATIONS OF THE FOOD STAMP ADVISORY COMMITTEE TO THE D.C. SOCIAL SERVICE ADMINISTRATION, DEPARTMENT OF HUMAN RESOURCES

1. All printed material, questionnaires and other literature giving important information on the Food Stamp Program should be stated in simple language accompanied by illustrations when necessary.

2. It is felt by all that there are still many people yet to be reached. According to current estimation, 85,000 more people in the District of Columbia are eligible for food stamps. Communication through written material is good, but unless it is legible and easy to understand, many people do not bother to read it. Some people feel that these programs do not necessarily apply to them and, therefore, do not take the time to try to understand their purposes. *Effective communication* is vital and places a responsibility on the shoulders of each community person. Personal attitudes and appearance, tone of voice and an understanding of the programs all go to establishing good rapport between client and worker. There must be careful screening and training of personnel who serve the food stamp customers.

3. *There must be more communication between agencies that are providing related programs.* All workers concerned with the food stamp program must meet regularly to exchange ideas and to share experiences to facilitate better services to clients.

4. The Food Stamp program should be carefully explained to the clients by the worker.

5. Better communication between staff and community workers must be established because all people involved can contribute valuable information concerning a client.

6. The Food Stamp program must be better publicized through community organizations to prevent misunderstanding of purpose and benefits that would help a client and discourage him from participating. Door-to-door canvassers should be increased and more effective use of the radio, press and television to promote the program.

7. Regulations must be changed in order to take care of crisis situations.

8. Food Stamp legislation, currently being prepared, should include special foods for dietary needs and household items for health and sanitation.

9. There should be established nationwide banking facilities for food stamp users which will allow them to use any services provided by the bank.

10. Legislation should be enacted to provide services to senior citizens who are in such categories as disabled, social security and veterans benefits.

11. Recommendation that a self-declaration type application for non-public assistance household, which will replace an interview with a certification officer.

12. That other outlets for dispensing food stamps such as, post offices, restaurants and branch or neighborhood housing developments be used.

13. Food Stamp clients be furnished identification cards with their photographs imprinted for use in cashing checks and for other needs.

14. Additional food services to the aged for Department of Agriculture and Social Security Administration to consider: Meals-on-Wheels; Low-cost Restaurant Meals and use of food stamps to purchase these meals: (Suggestion made that a sandwich in a bag could be provided for the person to take home for evening snack.)

15. *Co-op Buying by Low-Income Families;* Emergency Food Centers in all areas of the city; and Priority-need of some provision for wide-spread educational program. This program would include recipes, discussion groups, food demonstrations and consumer education.

16. There must be some restructuring of Civil Service Regulations to include persons who are not college graduates, but have practical experience which qualifies them in interviewing.

TRIBUTES TO MEMBERS OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. MURPHY. Mr. President, one of California's most distinguished citizens and noted educators, Dr. J. E. Wallace Sterling, has resigned the chairmanship of the American Revolution Bicentennial Commission after completing an extraordinarily successful year of work in bringing to fruition the organizational and operational structures of the Commission which is in charge of the commemoration of our Nation's 200th year of freedom in 1976.

Dr. Sterling, who agreed to serve 1 year, will now be able to devote more time to research and writing. He was president of Stanford University for 19 years. However, the President has prevailed upon Dr. Sterling to still serve as Chairman Emeritus of the Commission. I ask unanimous consent that the biography of Dr. Sterling be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MURPHY. Mr. President, during the past year the American Revolution Bicentennial Commission has, among many other accomplishments, submitted a comprehensive report of its suggestions and recommendations to the President. It has been published as Senate Document 91–76. The number "76," Mr. President, is symbolic of the past when we declared our freedom in 1776, and also of the future, particularly, 1976. The Commission report, which the Congress ordered when it created the Commission, met widespread commendation and probably the least amount of criticism of any recent reports by Commissions.

The Commission and its staff have been tremendously helpful in encouraging the organization of 50 State bicentennial commissions or similar bodies. Scores of local commissions also have been established.

Under Dr. Sterling's chairmanship an executive director, M. L. Spector, has been named. His ability and creative imagination provide proper staff leadership. I ask unanimous consent, Mr. President, that Mr. Spector's biography, taken from the latest edition of "Who's Who," be placed in the body of the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. MURPHY. Mr. President, also, under Dr. Sterling's chairmanship, a former businessman and former head of the tremendously successful 200th anniversary of San Diego was appointed as deputy director. He is Hugh A. Hall, and, of course, we in California are proud of contributions in this regard. Mr. Hall provides the necessary practical hand to

a gifted staff. I ask unanimous consent, Mr. President, that the biography of Mr. Hall also be placed in the body of the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. MURPHY. Mr. President, the Commission staff provides a kaleidoscope of American citizenry from all across the land. Mr. Robert R. Rose of Oklahoma is a visual information and motion picture expert; from Illinois there is Mrs. Edith I. Scribner, assistant for research and international affairs; Miss Judy A. Moy from Washington, D.C., assistant executive secretary; Mrs. Marie Z. Garlock from Wisconsin, assistant to the deputy director; Mrs. Margie S. Baker of Ohio, assistant to the director of policy and planning; Leon Coates of Washington, D.C., operations manager and his assistant, Mr. Joseph S. Harris, also of Washington, D.C.; Miss Jean E. Boyer, assistant to the administrative officer, from Pennsylvania and Mr. Joseph A. Bruno, assistant legislative information director.

In conclusion, I should like to observe that the new Chairman, David J. Mahoney, just appointed by President Nixon, may have a New York address but he comes from California. It is obvious from my observations, Mr. President, that the entire Nation is to be a part of this Commission and also is a part of its small staff.

I ask unanimous consent that the biography of the new Chairman, Mr. Mahoney, also be presented in the body of the RECORD at the conclusion of my remarks.

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

(See exhibit 4.)

EXHIBIT 1

BIOGRAPHY OF JOHN EDWARD WALLACE STERLING

Dr. J. E. Wallace Sterling, Chairman of the American Revolution Bicentennial Commission, is chancellor of Stanford University.

Beginning his academic career in 1927 as a lecturer in history at Regina College, Saskatchewan, he successively served and taught at the University of Alberta, Stanford, California Institute of Technology, the National War College and Huntington Library and Art Gallery before being named president of Stanford in 1949. Dr. Sterling held the latter post until 1968 when he was appointed chancellor.

Born 1906 in Linwood, Ontario, Canada, he received his A.B. degree in 1927 from the University of Toronto, an A.M. from the University of Alberta in 1930 and a Ph.D. from Stanford in 1938. Dr. Sterling was naturalized as a citizen of the United States in 1947. A former trustee of the Asia Foundation and a member of the Ford International Fellowship Board, Dr. Sterling has been decorated by the governments of the Federal Republic of Germany, France, Great Britain and Japan for "promoting international goodwill" and for his "successful efforts in promoting the development of educational and cultural relations" between the United States and other nations.

EXHIBIT 2

Spector, Melbourne Louis, fgn. service officer; b. Pueblo, Colo., May 7, 1918; s. Joseph E. and Dora (Bernstein) S.; B.A. with honors, U. N.M., 1941; student Nat. Inst. Pub. Affairs, 1941; m. Louise Vincent, Nov. 23, 1948; 1 son, Stephen David. Intern, U.S. Bur. Indian Affairs, 1941; personnel asst. Office Emergency Mgmt., 1941–42; chief classification div. War Relocation Authority, 1942–43; employment officer UNRRA, 1945–46; pvt. employment, 1946–47; personnel officer Dept. State, 1947–49; dep. dir. personnel ECA, Marshall Plan, Paris, 1949–51, dep. dir., acting dir. personnel Econ. Administrn., Mut. Security Adminstrn., FOA, 1951–54; asst., dep. dir., Mission to Mexico, ICA, 1954–57, acting dir., 1957–59; chief C.A. and Caribbean div., Office Latin Am. Operations, 1959–61, acting dir., dir. Office Personnel Mgmt., 1961–62; exec. dir. Bur. Inter-Am. Affairs, Dept. State, 1962–64; counselor for adminstv. affairs Am. embassy, New Delhi, India, 1964–66; seminarian sr. Seminary Fgn. Policy. Dept. State, 1966–67, Mem. Am. Soc. Pub. Adminstrn., Phi Kappa Alpha, Phi Kappa Phi. Home: 6414 Bannockburn Dr., Washington 14. Office: Fgn. Service Inst., Dept. State, Washington. 1967–69: Executive Director, US Section US-Mexico Commission for Border Development and Friendship; 1969: Present, Executive Director, ARBC.

EXHIBIT 3

HUGH A. HALL

Born in Durham, North Carolina, September 23, 1926. Served in U.S. Navy Supply Corps in South Pacific during World War II; outside sales manager, Motor Supply Company, 1945–48; Executive Vice President, Schuler & James, Inc., of Los Angeles, Phoenix, and San Francisco, 1948–53; Marketing and Sales Manager, Hetzel Brothers, Los Angeles, 1953–54; President, San Diego Pacific, Inc., 1955–68; Celebration Director, San Diego 200th Anniversary, while serving also as an advisor and consultant to the American Revolution Bicentennial Commission, the California Bicentennial Commission, the Monterey Bicentennial Commission, the Wichita Centennial Celebration, and the Gothenberg, Sweden 350 Anniversary, 1968–1969; appointed Deputy Executive Director of the American Revolution Bicentennial Commission, December, 1969.

Married Elaine Hakala, February 23, 1947; son Stephen, 22, attending San Diego State College, and daughter, Linda, 19, attending the University of California, San Diego.

From 1958–68 was member, Committee chairman, and then Vice President of the San Diego Chamber of Commerce, including Chairman of "Try San Diego First" Committee and Campaign; Chairman of the Transportation Committee; Chairman of the Chamber of Commerce Campaign for the San Diego Stadium Bond issue; Chairman of the Highway Committee; Co-chairman of the "Citizens for Better Buses;" President of the San Diego County Highway Development Association.

Was campaign manager for County Supervisor Robert C. Cozens in 1960–62–66; member Republican State Central Committee of California; charter member Republican Associates of San Diego; Chairman of the Republican 76th Assembly District; Chairman for northern San Diego campaign for Robert Finch for Lieutenant Governor.

Received Chamber of Commerce's Most Successful Committee Chairmanship Award three times and also Governor Reagan's Outstanding Citizenship Award, 1968.

EXHIBIT 4

DAVID J. MAHONEY

David J. Mahoney, 47, is Chairman of the Board and President of Norton Simon Inc., a diversified company.

Mr. Mahoney had served as president and chief operating officer since the consolidation of Canada Dry Corporation, Hunt Foods and Industries, Inc., and McCall Corporation into Norton Simon Inc., in July 1968. Previously he was president and chief executive officer of Canada Dry Corporation, which he joined on December 1, 1966. Before joining Canada Dry, he was executive vice president and a director of the Colgate-Palmolive Company and, earlier, president of Good Humor Corporation.

Mr. Mahoney was born in New York City on May 17, 1923, and was graduated from LaSalle Military Academy.

World War II interrupted his education at the University of Pennsylvania. After service as an infantry officer, he began a career in advertising in 1946 as a mail clerk with Ruthrauff & Ryan in New York City, and commuted nights to Philadelphia to complete the requirements for a degree at the University's Wharton School of Business. He received his degree there in 1947, and became an agency vice president two years later.

In 1951, Mr. Mahoney established his own advertising agency with such accounts as Virginia Dare, Noxzema Chemical, White Rock Corporation and Good Humor Corporation. In 1956, he sold his agency to accept the presidency of Good Humor. Five years, later, he became executive vice president of Colgate-Palmolive.

Mr. Mahoney is a member of the Young Presidents' Organization. His current directorships include Continental Airlines, Diners' Club, The May Department Stores Co., Metromedia, Inc., and Boys Harbor, Inc. He is Chairman of the Board of Trustees of the American Health Foundation; is Chairman of the Industry Committee of the President's Commission on Health, and Chairman of the President's Committee on Personal Interchange.

In October 1969, he was named "Marketing Statesman of the Year" by the Sales Executives Club of New York, "for his courage to innovate, his emphasis on marketing strategy, and his willingness to accept change in today's business climate." In February 1970, he was honored with the "Man of the Year" award of the Western States Advertising Agencies Association, "for his outstanding leadership and achievements in the fields of advertising and marketing, and his dedication and contributions to worthwhile activities in the community."

Mr. Mahoney is married, has two children, and lives in New York City.

STATEMENT OF AMBASSADOR PHILLIPS BEFORE UNITED NATIONS SEABED COMMITTEE

Mr. PELL. Mr. President. I have just received a copy of Ambassador Phillips' opening statement before the United Nations Seabed Committee, which is meeting throughout this month in Geneva, Switzerland.

The Ambassador's statement, based on President Nixon's announced oceans policy of May 23, signifies the first real breakthrough on this issue in more than 3 years of debate, quarreling, and downright squabbling, and I think we can all take a good deal of pride in the fact that it was the United States that came forward to break the log jam by putting all of its cards on the table in the form of a Draft United Nations Convention on the International Seabed Area.

In presenting this proposal to the 42-nation U.N. Committee, Ambassador Phillips summed up the administration's intention in the following way:

We realize that this Draft Convention represents an essentially new and bold departure in the law of the sea; this was intended."

We realize that the Draft Convention for the first time will place the exploration of resources of great potential value under continuing and comprehensive international regulation; this was intended."

We realize that this Draft Convention would, for the first time in the history of mankind, assure that benefits from the exploitation of resources will be equitably divided, regardless of the advantages of technology or geography enjoyed by any State: this too was intended.

Mr. President, although there have been a number of attempts to raise doubts about the status of this treaty proposal, I think Ambassador Phillips' statement correctly serves to undercut these attempts and to dispel any doubts that may still be fluttering about.

I commend the Ambassador's statement to the Senate, and ask for unanimous consent that the complete text be printed in the RECORD.

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

STATEMENT BY AMBASSADOR CHRISTOPHER H. PHILLIPS

Mr. Chairman:

I am very happy to address the Seabeds Committee today in Geneva, because I am optimistic that the Seabeds Committee will be able not only to complete successfully the immediate tasks before it, but that it will make substantial progress toward the fulfillment of the broad responsibilities entrusted to it by the General Assembly.

Last June in New York, and just this past week in Geneva, an Informal Drafting Group met in order to reach a consensus on draft principles regarding the seabed beyond the limits of national jurisdiction. Provisional agreement has already been reached on certain principles. Furthermore, it appears that we are on the road to reaching agreement at this session on a complete and balanced statement of principles to be submitted to the General Assembly, in accordance with its instructions, for consideration and hopefully adoption at its 25th anniversary session.

In addition, the Committee has made progress over the last two years in the consideration of alternative forms of regime and machinery. It is our hope that the Committee can begin to narrow and refine the choices available. In this spirit, it is our view that the time for detailed and comprehensive proposals has arrived.

Mr. Chairman, you will recall that President Nixon promised on May 23, 1970 that the United States would introduce at this session of the United Nations Seabeds Committee specific proposals elaborating on the contents of his May 23 statement. It is a great honor for me to submit today to this Committee, for distribution and discussion as a working paper, a Draft United Nations Government hopes that this Draft Convention will make a significant contribution to the modernization of the international law of the sea, that it will serve the interests and needs of all mankind, and that it will promote rational and sensible use of the marine environment for the future.

We realize that this Draft Convention represents an essentially new and bold departure in the law of the sea; this was intended.

We realize that the Draft Convention for the first time will place the exploitation of resources of great potential value under continuing and comprehensive international regulation; this was intended.

We realize that this Draft Convention would, for the first time in the history of mankind, assure that benefits from the exploitation of resources will be equitably divided, regardless of the advantages of technology or geography enjoyed by any State; this too was intended.

This Draft Convention was prepared after a painstaking examination of relevant national and international interests, with particular reference to the work of the Committee. Virtually all of the Convention, both in concept and in detail, is based upon various reports of the Secretary-General and the reports and discussions of the Committee and its Subcommittees.

We realize that we cannot alone judge whether these efforts have been successful. The Draft Convention deals with many questions which should receive further detailed examination by the Committee and its Subcommittees. We recognize that this Draft Convention is a further step in a negotiating process; it is our hope that the other members of the Committee will find it a significant step which enhances the prospects for agreement on principles, an international regime and international machinery. It is also our hope that at this session, and particularly at future sessions, after ample opportunity for reflection, the Committee will undertake the task of improving the Draft Convention in order that it may ultimately represent, not the work of one delegation, but of all.

The Draft Convention speaks for itself. However, I would like to highlight some of its provisions:

It provides that the International Seabed Area shall be the common heritage of all mankind. This area would begin at the 200-meter isobath.

It provides that no state has, nor may it acquire any right, title, or interest in the International Seabed Area or its resources except as provided in the Draft Convention. It is this provision which gives effect to President Nixon's call for a treaty renouncing national claims beyond 200 meters, with the new Draft Convention replacing the Continental Shelf Convention beyond this limit.

It would assure that the International Seabed Area will be open to use by all States and reserve it exclusively for peaceful purposes.

It would guarantee that revenues will be devoted to the economic advancement of developing countries and provide for some of these revenues to be used in the promotion of international knowledge and technological capability concerning the safe and efficient use of the marine environment.

It would assure accommodation of the different uses of the marine environment.

It would assure that all activities will be conducted with strict and adequate safeguards for the protection of human life and safety and the marine environment. A large number of the regulatory provisions of the Convention are designed to prevent pollution; for example, all deep drilling requires either a license or a special international permit.

It provides uniform rules of both a general and detailed character concerning exploration and exploitation of all seabed resources beyond the 200-meter boundary. Many of the general rules are contained in the main section of the Draft Convention, and the specific rules are contained in appendices which form an integral part of it. These rules are designed to ensure that on the one hand maximum revenues for international community purposes will be derived from exploitation of marine resources and, on the other hand, to ensure a favorable climate for investment.

It would provide for a coastal State Trusteeship in the area beyond the 200-meter boundary embracing the continental margins. While we have not indicated a precise seaward limit for the area of the coastal State Trusteeship responsibilities, we believe it should be fixed taking into consideration, among other factors, ease of determination, the need to avoid dual administration over single resource deposits, and the avoidance of including excessively large areas in the International Trusteeship Area. The Draft Convention proposes to use a gradient formula as a means for determining this boundary.

It would establish the rights and responsibilities of the Trustee State. These include assuring compliance with the rules of the Draft Convention as well as the applicable rules of the International Seabed Resource Authority, and guaranteeing the Trustee full discretion to decide whether, how, and to whom licenses should be issued for the exploration and exploitation. It would allow the Trustee Party to keep a portion of the required payments and any others it imposes on exploration and exploitation. A figure between one-third and one-half is suggested. The discretion of the Trustee to decide who may explore and exploit seabed resources in the International Trusteeship Area is the only exception to the requirement of the Draft Convention that the entire area beyond 200 meters be open to use by all States on a non-discriminatory basis.

Over half of the Articles of the Draft Convention are devoted to the powers and duties of a new international organization called the International Seabed Resource Authority.

The International Seabed Resource Authority would have several important functions. They include comprehensive rule-making authority beyond the 200-meter boundary; functional responsibilities including inspection of all licensed activities in the same area; licensing responsibilities beyond the Trusteeship Area; adjudication of all disputes arising under the Draft Convention, with special procedures for approving the delimitation of all boundaries required by the Draft Convention.

The principal organs of the International Seabed Resource Authority would be an Assembly composed of all Contracting Parties, a balanced Council composed of 24 Contracting Parties, and an independent Tribunal. Three Commissions have been included to deal with rule-making, operations such as licensing, and boundaries.

The International Seabed Resource Authority would have the responsibility for promulgating its rules in the form of Annexes to the Convention. The Annex-making procedure will ensure flexibility and ease of rule-making in order to assist the Authority in adapting to developing technology.

Since there would be a renunciation of existing rights when the Convention enters into force, rather than at present, the Draft Convention provides for due protection of the integrity of investments made prior to that time. In addition to protecting the integrity of investments, the transition clauses have been designed to avoid either discouraging exploration and exploitation or encouraging a speculative race for concessions and, at the same time, to assure that the international community will be protected if interim licenses are issued under terms and conditions not in accordance with the provisions of the ultimate Convention.

Mr. Chairman, I referred at the opening of my remarks to the progress being made on principles and on regime and machinery. Our introduction of the Draft Convention at the beginning of this session is intended to help the process of reaching agreement on principles at this session and to contribute to the planned discussion of regime and machinery at this session. In our future discussion of the various items on the agenda for this session, it is our intention to draw upon and elaborate on the provisions of the Draft Convention we have submitted today. For example, the Draft Convention contains basic principles which reflect the work of this Committee on a Declaration of Principles, and of course shows how the Declaration might be applied. The principles in the Draft Convention are not, however, intended as a substitute for the principles being developed for the Declaration.

In summary, Mr. Chairman, it is our hope that you and the members of the Committee will find the submission of this Draft Convention elaborating on President Nixon's proposals a timely and useful contribution to the present and future work of the Committee.

VETO OF EDUCATION AND HUD BILLS

Mr. THURMOND. Mr. President, I wish to commend President Nixon for exercising the Executive prerogative of veto with regard to the Education and HUD appropriation bills. Excessive congressional generosity exhibited in these two bills exceeded budget recommendations by nearly $1 billion. A great deal of time, study, and expertise went into the determination of the Presidential budget recommendation, yet the Democratic-controlled Congress disregarded this sound thinking and piled on additional appropriations far in excess of this recommendation.

Mr. President, this excessive spending would not have been in the best interest of the American people. President Nixon has pledged to curtail the inflationary spiral in which he found the economy, and these vetoes are examples of his attempts to live up to this pledge.

Mr. President, during an election year it is very easy to go along with more and more spending, even though such acts adversely affect the Nation's economy in the long run. The Democrat political strategy is clear. They woo their constituencies by running up high Government spending, then attack the Republican administration for not stopping inflation.

Mr. President, the liberal element in Congress believes that every problem can be solved by levying higher taxes and spending more money. This fallacious reasoning has led the country into the serious economic difficulties we are now experiencing. They refuse to see the connection between ever-increasing Government spending and the inflation of our economy. It should be clear to all by now that excessive and unwise spending creates more and bigger problems rather than it provides solutions.

Mr. President, I wish to again commend President Nixon for this act of true statesmanship and responsible leadership, and I pledge to support his decision by voting to sustain these vetoes, should the opportunity arise.

Mr. President, I ask unanimous consent that an article published in the Washington Post of August 12, 1970, describing the President's actions, be printed in the RECORD. I also ask unanimous consent that the text of the President's veto statement, published in the same edition of the Washington Post, be printed in the RECORD.

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

CHALLENGES CONGRESS ON OUTLAYS

(By Carroll Kilpatrick)

President Nixon challenged Congress on the "big spending" issue yesterday with a sharp veto of both the $4.4 billion education appropriations bill and the $18-billion Housing and Urban Development appropriation.

The double veto, hard on the President's earlier veto of the hospital construction measure, which Congress easily overrode, emphasized again the developing campaign issue of spending and inflation.

Appearing before television cameras, the President said that if he were to sign the two bills "I would be saying yes to higher prices, yes to higher interest rates, yes to higher taxes."

But, he said, he was vetoing the measures, which would add nearly $1 billion to his budget recommendations, and "saying no to bigger spending and no to higher prices in the interest of all the American people."

Democrats immediately criticized the President's action and prepared to override the vetoes. They appeared to be confident they could override the education bill veto but less certain that they could override the veto of the HUD bill, which also contains funds for NASA and other independent agencies.

The House will take up the proposals to override both vetoes Thursday.

The education bill won congressional approvale by a vote of 357 to 30 in the House and 88 to 0 in the Senate. The HUD bill was approved by the House on a voice vote and in the Senate by 70 to 8.

Administration officials early this week said that the President would allow the education bill to become law without his signature.

However, White House Press Secretary Ronald L. Ziegler said yesterday it would not be proper to say that the President changed his mind.

He said that after studying the two bills last weekend at Camp David the President held an extensive discussion yesterday with Republican congressional leaders, then met with his budget advisers before making a final decision in the afternoon.

Mr. Nixon argued that in both bills his original proposals were "generous," but he said that the larger appropriations Congress voted were "a threat to every American's pocketbook."

He said he knew it was "tempting" in an election year "to say yes to every spending bill." But he maintained that it was the responsibility of the President "to weigh the interests of all the people" while Congress "understandably is sometimes affected by proposals that would benefit some of the people."

The President said that his original request for urban development was "double" the amount proposed in the last Johnson administration budget and that his request for Office of Education funds was 28 per cent higher.

Yet Congress voted even more than he had asked, he said—$514 million more for HUD and $453 million more for education.

In his veto message, Mr. Nixon said that he was "determined to hold the line against a dangerous budget deficit. I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.

"I flatly refuse to go along with the kind of big spending that is wrong for all the American people."

After the President's June 22 veto of the $2.8 billion hospital construction bill, the House overrode it by a vote of 279 to 98 and the Senate by 76 to 19, both substantially more than the necessary two-thirds.

The education measure the President vetoed provided $551 million for federally impacted school districts, $1.8 billion for elementary and secondary education, $967 million for higher education, $75 million for emergency school aid to school districts involved in desegregation moves, and other educational assistance.

Congress added substantial sums to all of the above educational programs except for the emergency school aid to desegregating schools, which was cut in half from Mr. Nixon's $150 million request.

The HUD measure provided for a variety of agencies, including $3.2 billion for NASA, $9 billion for the Veterans Administration, $3.6 billion for HUD, and $513 for the National Science Foundation.

Congress cut slightly the President's request for NASA and the Veterans Administration and increased by more than half a billion the funds for HUD, mainly for urban renewal. It cut the President's request for the rent supplement program.

The President will sign the postal reform bill in a ceremony at 9:30 a.m. today in the Post Office Department.

NIXON ON VETO: "PAINFUL, BUT NECESSARY"

(NOTE.—Following is President Nixon's message to the House of Representatives on the education and independent offices appropriations bills).

To the House of Representatives:

I return herewith, without my approval, H.R. 16916, an Act making appropriations of the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

To the House of Representatives:

I return herewith, without my approval, H.R. 17548, an Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

I am determined to hold the line against a dangerous budget deficit.

I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.

For that reason, I am today returning, without my approval, two bills the Congress has passed that would increase the federal budget deficit by nearly one billion dollars.

1. The Independent Offices Appropriations bill, which includes funds for urban development, exceeds my budget request by $541 million. I am mindful of the urgent needs of our cities, which is why my original request for urban renewal, water and sewer grants and housing subsidies was *double* the outlays in the last fiscal year of the previous administration.

I am vetoing this bill because it would help drive up the cost of living, harming the people it is most designed to help. This kind of excessive spending would also help cause the kind of huge deficits that drive up interest rates, which would make it impossible to speed the recovery of the housing industry.

2. The appropriation for the Office of Education is $453 million over my budget request.

My request would have produced 28% more spending than in the last fiscal year of the previous administration.

My budget asked $3.97 billion for the educational purposes covered by this bill—an increase of $972 million in spending over Fiscal 1969. In addition, I have committed myself to ask the Congress for an extra $350 million to fully fund the school desegregation program as soon as the Congress provides authorizing legislation.

This is only part of what the federal government provides for education programs generally. *Total* spending on federally supported education programs will reach nearly $12 billion in 1971, the highest figure in history and substantially more than was provided for 1969. Thus the question is not one of cutting the present level of school funds. It is not even one of whether to increase school funds. It simply is a question of how *much* they are to be increased—and for what purposes.

Last March I stressed the urgent need for wide-ranging reforms in federal aid to education. This bill raises the spending on old approaches that experience has proved inadequate, rather than moving boldly on the new approaches that we need—and it cuts requested funds for such forward-looking programs as dropout prevention, educational opportunity grants and research.

My veto of these bills is painful, but necessary to hold down the rising cost of living.

We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes.

At election time it is tempting for people in politics to say "yes" to every spending bill.

If I were to sign these bills that spend more

than we can now afford, I would be saying "yes" to a higher cost of living, "yes" to higher interest rates, "yes" to higher taxes.

I flatly refuse to go along with the kind of big spending that is wrong for all the American people. That is why I must veto these bills which add an extra billion dollars of pressure on prices.

Taken individually, there is much that can be said in favor of every spending bill, including the ones I have vetoed.

But a President, is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans.

Acting in the best interest of the nation as a whole, and concerned with the average family struggling to make their incomes meet rising prices, I have drawn the line against increased spending.

I urge the Congress to reconsider the spending course it has taken, and to place first priority on achieving our goal: a healthy economy, expanding through peacetime activities, with reasonable price stability.

THE ONSLAUGHT OF FOREIGN SHOES CONTINUES

Mr. McINTYRE. Mr. President, the figures on shoe imports for the first half of this year are in. The statistics contain no great surprises, but illustrate the simple fact that foreign manufacturers are slowly driving many of our domestic shoe companies out of their own national market and into bankruptcy.

If this onslaught of cheaply made foreign shoes is allowed to continue, one of this Nation's oldest and most important industries will soon disappear. The only hope for saving this vital industry is by passing legislation to stem the inflow of foreign footwear. My bill, S. 3723, does just that—it would protect our domestic manufacturers without unduly restricting the future increase of imports.

I ask unanimous consent to have printed in the RECORD the news release from the American Footwear Manufacturers' Association, which spells out quite clearly the plight of our shoe industry.

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

AMERICAN FOOTWEAR MANUFACTURERS ASSOCIATION, INC.,
August 7, 1970.

SHOE IMPORTS—FIRST HALF 1970

The American Footwear Manufacturers Association announced today that with half the year over, a total of 133,160,000 pairs of non-rubber footwear have been imported into this country—an increase of 22.9% over the first six months of 1969.

The value of imports for the first six months in 1970 amounted to $233,155,000—a 31.3% increase over 1969. A breakout by specific categories of footwear clearly shows the impact that imports are having on domestic production:

LEATHER AND VINYL FOOTWEAR, BY TYPES 1ST 6 MONTHS PERCENT CHANGE 1970/1969 (PAIRS)

[In percent]

	Domestic production (down)	Imports (up)
Men's and Boys'	2.3	27.6
Women's and Misses'	5.9	20.9
Children's and Infants'	22.1	16.1
Total nonrubber footwear	4.6	22.9

AFMA's estimate earlier this year of a total of 233,000,000 pairs of imported footwear for 1970 now appears to have been a conservative one.

Last March AFMA said that imports "were capturing more than their already unfair share of the market", and last month the association president, Mark Richardson, said "the bombardment of imports obviously has not ceased." Now that half of the year is over the only change AFMA sees is, not really a change, but rather a continuance of the bleak story they have been telling:

1. Imports are not slowing down. The monthly average is maintaining a high 22,200,000 pairs—almost 4,000,000 pairs more a month than in 1969.

2. The value of imported footwear has increased 31.3% over the same period last year, which means that at the retail level the American consumer has paid almost $900,000,000 for footwear from abroad.

3. All of this means a loss for domestic production, a loss of sales to the retailer, a loss of jobs (according to B.L.S. the first five months of 1970 showed a loss of more than 8,300 jobs when compared to the same period in 1969), and more factory closings.

Historically, the decade of the sixties was a very good one for imports. They grew from a mere 4.2% of total supply (domestic production plus imports) in 1960 to 12.3% in 1965, and in 1969 when domestic production reached its nadir for the decade (581,000,000 pairs), imports gobbled up 25.2% of the total market.

Now that the U.S. is half way through 1970, the first year of a new decade, shoe imports already account for 31.4% of the total supply. It is obvious, according to AFMA, that imports will capture more than one-third of the total market this year, and projecting to 1975, may very well capture 50%.

TIDAL WAVE OF COMMERCIAL DEVELOPMENT THREATENS TO ENGULF AMERICA'S COASTLINE

Mr. YARBOROUGH. Mr. President, the American people are in danger of forfeiting their access to our Nation's extensive seashore areas. They should awaken to the danger posed to this great recreational resource by private greed. As any citizen of the Nation's Capital who has recently visited the 35-mile stretch of beach between Ocean City, Md., and Lewes, Del., can attest, our once uncluttered beaches are being engulfed in a tidal wave of private and commercial development.

As the author of the Senate version of the National Open Beaches Act (S. 3044), I have long advocated the preservation of America's coastline for the enjoyment of the average American citizen. Such recreational areas are becoming more desperately needed every day. I am hopeful that hearings will soon be held on my bill before the Senate Interior and Insular Affairs Committee in the interest of guaranteeing the public's right of access to our beaches. In 1962, I was successful in my efforts to create a national seashore at Padre Island, Tex. This is one of only five such areas in the entire United States, and could have easily become just another garish beach resort. Texas is fortunate to be one of only two States with an open beaches law guaranteeing the use of the shoreline by the public.

The leading advocate of a National Open Beaches Act in the House is my colleague in the Texas delegation Representative BOB ECKHARDT. I fully support his efforts and agree with his assertion that—

The beaches of the United States are a heritage of all the people of the entire United States. Both the present and the future generations of Americans should have the right to the enjoyment of this most important natural resource.

Mr. President, I commend the editors of U.S. News & World Report for its publication, and ask unanimous consent that the enlightening article entitled "The Battle for America's Crowded Coastline," published in the August 10, 1970, issue of U.S. News & World Report, be printed at this point in the RECORD.

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

THE BATTLE FOR AMERICA'S CROWDED COASTLINES

PAWLEYS ISLAND, S.C.—This tiny resort of frame houses overlooking a broad Atlantic beach doesn't look like a battleground.

Children build castles on the uncrowded strand as the surf rolls in, and egrets—graceful, long-legged birds—doze undisturbed in the salt mashes.

But it is here that one of the fiercest fights ever waged over land use along the Atlantic Coast is gaining momentum.

Arrayed against each other are land developers and conservationists. They consider the fight the forerunner of many that may shape the future of 5,000 miles of coast along the Atlantic and Pacific oceans between the Canadian and Mexico borders.

Key to conflict. At issue is whether the growing trend toward "urbanization" of the coastlines—through housing tracts, high-rise apartments, motels and factories—will be allowed to continue at the present fast pace.

Says Thomas W. Richards, president of the Washington-based Nature Conservancy, a conservationist group:

"We'll wind up with a city 1,500 miles long and six blocks wide along the coast from Boston to Miami if we don't watch out. And the same thing is happening along the Pacific Coast from San Francisco to the Mexican border and on some parts of the Gulf Coast."

Concern over the rapid urbanization of once-wild stretches of shoreline is also being voiced at high levels of the U.S. Government. The White House-appointed Commission on Marine Science, Engineering and Resources recently reported that pressures on shoreline space have mounted dramatically over the past 20 years and are certain to increase.

This Commission says that reasons for the assault include "the shift of the population from rural areas to the cities—the nation's seven largest metropolitan areas are on the Great Lakes or the seacoast—the spread of suburban development into coastal areas, and the increased affluence and leisure time of a large part of our population."

Disturbing factors. Among developments causing concern:

Estimates are that 57 per cent of the U.S. population will live in the 21 States on the continental coastlines by 1985. About 40 per cent of U.S. factories are presently located in coastal counties.

A Department of the Interior survey shows that most of the nation's estuaries along the Atlantic and in Oregon, Washington and California "have been modified more or less severely by man's activities." California's estuaries are considered the most drastically affected.

In the past 20 years, 27 million acres of important fish and wildlife habitat in U.S. estuaries have been destroyed, according to the Wilderness Society.

The shoreline available to the general public is shrinking fast. A U.S. Government study indicates that "90 per cent of this limited, highly desirable recreation source is in private control, about 5 to 7 per cent is in

public recreation areas and about 3 per cent is in restricted military areas."

Much of the Pacific Northwest and Alaska coastlines and some smaller areas of the Atlantic and Gulf coasts are still undeveloped. But conservationists warn that signs point to rapid development in some of those areas, too.

Says the National Park Service:

"Almost every attractive seashore area on our Atlantic and Gulf coasts has been preempted for commercial or private development. Only a fraction of our long seacoast is left for public use, and much of this small portion is rapidly disappearing before our eyes."

Saving the seashores. Conservationists consider the situation so alarming that they are taking unprecedented steps to ensure the right of the general public to the shoreline.

Some groups, such as the Nature Conservancy, have arranged through benefactors for the purchase of millions of dollars' worth of seashore property. This privately supported organization devotes its entire resources to the preservation of undeveloped land rich in plant and animal life.

Other conservation organizations, including the Sierra Club, encourage the protection of primitive areas through such means as lawsuits, presentation of their views before government bodies and massive publicity campaigns.

The result is that tens of thousands of Americans are actively participating in the conservation movement, exerting pressures that were scarcely felt 10 years ago.

Among the first to feel the conservationists' bite have been landholders and developers along the coastlines. They are discovering that zoning boards and county councils, which once routinely approved proposals for landfills, apartments and factories, are now turning down many such requests.

A prime example. The battle over Pawleys Island typifies the change that is taking place all along the U.S. coastline. Here the owner of a 90-acre tract of marshland, Dr. Harry Tiller, wants to dig a canal and fill in part of his wetlands for sale as housing lots.

Dr. Tiller says he has invested more than $35,000 in this land, and believes he could sell the property—if developed—for as much as 1 million dollars. He says the project would be an asset to the area, and that he is surprised at the furor his proposal aroused.

"For some reason," Dr. Tiller says, "all hell broke loose when people found out I was getting a permit to put a canal through this Pawleys Island marsh. Now, as far as I'm concerned, I've invested too much money in the thing to back out of it because some people don't like what I'm doing."

Opponents of the project argue that filling the marsh would destroy breeding grounds for birds and fish, and would radically alter the character of Pawleys Island.

"A quiet place." We don't want to become another honky-tonk beach resort," says Linwood Altman, president of the Pawleys Island Civic Association. "We want our community to stay a quiet, family-type place."

Mr. Altman and other area residents—the association claims it is backed by "99.9 per cent" of the community—believe the outcome of the case will be a landmark. He says:

"If this goes through, it will set the stage for complete development of all marshlands along the coast. This should be a warning to all Americans."

Mr. Altman and his colleagues are waging the fight despite the likelihood that nearly all property in the area would be worth much more if intensive development were permitted.

Says William W. Doar, Jr., an attorney who is a representative of this area in the Carolina State legislature:

"I grew up here, and I've been fishing in these marshes since I was a child. I hate to think of all that disappearing."

South Carolina already has approved the landfill proposed by Dr. Tiller, but no decision has been made by the U.S. Army Corps of Engineers, which must also give its permission.

Opponents and proponents have presented vigorous arguments to the Corps, and newspapers, lawmakers and interested parties have taken sides.

"There hasn't been so much smoke around here since the War Between the States," observes one resident.

Other similar battles are shaping up along much of the U.S. shoreline.

Conservationists say many of the nation's best beaches are being turned into "strip cities." One example given is a stretch of about 35, miles that extends from Ocean City, Md., northward to Lewes, Del. This area is within easy distance of three big cities—Washington, Baltimore and Philadelphia. Its summer population has doubled in the past 10 years.

"Miami of the North?" Ocean City, which was about 40 streets long and five blocks wide in 1965, now extends for more than 100 streets. Alongside one-story frame summer homes built 50 years ago are new motels, gas stations, amusement parks, shopping centers and apartments rising as high as 14 stories.

At its summer peak the community is teeming with as many as 100,000 people a day—compared with a permanent winter population of about 1,200. The summer total is expected to double or triple by 1985.

Daniel G. Anderson, chairman of Anderson-Stokes, Inc., a large real estate firm in this area, says:

"Ocean City will some day rival Miami Beach because of its proximity to several cities. It's really going to boom."

Nearby Rehoboth Beach is taking a somewhat different course. Founded a century ago as a retreat for Methodists, the town is still relatively quiet—even when its beaches are crowded in midsummer with 50,000 sunseekers.

The community's 1,200 permanent residents have resisted unrestricted growth, although the right to erect eight-story buildings in one area was recently approved.

Mr. Anderson stresses that much of the Delaware coastline is publicly owned and relatively underdeveloped. Such usage, he says, guarantees that the area will continue to have balance.

"The answer is controls," he says. "Developers and conservationists can live very well together if there is basically good zoning providing for diversified use of the beach areas."

Interior Secretary Walter J. Hickel is one of many high officials urging a national land-use policy to establish guidelines for all concerned. In his view:

"If we had such a policy, then we could recommend the best use for land and resources. The highest value for a seashore, for example, could be for recreation, or for scenery, or for marine life and fishing. Or perhaps that particular seashore could be used for economic development."

Factory growth. Another source of concern to conservationists and the U.S. Government is increasing industrial use of the shorelines. Access to both overland and ocean shipping and the nearness of big labor pools are the main reasons why more and more firms are trying to build their plants along the coastlines.

San Francisco Bay, exemplifies this trend. Filling and diking has reduced the size of that waterway to two thirds of its natural size, and pollution clouds its once-clear waters.

Area residents have banded together in recent years, and have succeeded in stopping much new development. Their efforts led to creation of the San Francisco Bay Conservation and Development Commission, which has the power to permit or deny further alterations.

A similar body has been proposed to regulate the entire California seacoast.

Objections by citizens' groups also influenced the postponement of plans to build a huge chemical plant on the South Carolina coast near the Hilton Head Island resort area. Critics contended the plant might pollute the waters and endanger shrimp and oyster beds.

Secretary Hickel warned he would oppose the project unless the developers provided "environmental safeguards."

The BASF Corporation, which wants to build the 100-million-dollar complex, has suspended construction at least until 1972 pending studies of how the environment would be affected.

In some regions, conservationists are buying as much of the available coastal land as they can afford.

Time running out? There isn't much time left," says Mrs. Charles Yarn, of Atlanta, a member of the board of governors of the Nature Conservancy. "This kind of land will soon be so expensive that only a few really rich people will be able to afford it, and we want to save as much as we can before then."

Mrs. Yarn and other Georgians, with financial support from philanthropists throughout the nation, have arranged for the purchase of various tracts along the Atlantic Coast.

One of these, Wassaw Island near Savannah, is an almost completely undeveloped haven for birds, fish, alligators and deer.

The island has been preserved in its natural state ever since George Parsons of Boston presented the site to his bride as a honeymoon gift in 1866.

In recent years, land developers and local-government officials became interested in the location, considered by them to be ideal for subdividing or conversion into recreation areas.

The island's five and a half miles of broad white beach is—as one area resident describes it—"one of the few places in this country where you can go skinny-dipping and not be disturbed." The site is virtually inaccessible except by boat.

The Parsons family last year sold Wassaw Island to the Nature Conservancy, which turned it over to the U.S. Fish and Wildlife Service. The family attached one condition to the sale: that no bridge would ever be built to the island.

Plans are to maintain the island just as it is—except, maybe, for measures to discourage the raccoons from robbing turtle's nests. Human visitors are allowed but they must get there on their own.

Federal aid. All these efforts, however, are considered by many conservationists to be merely stopgap measures. They say a much more vigorous effort by the States and the Federal Government is necessary to acquire more shoreline and to regulate use of coastal lands.

The Federal Government has undertaken several studies of the coastlines, and in recent years has acquired national seashores at Cape Cod, Mass., Point Reyes, Calif., Padre Island, Tex., Assateague Island in Maryland and Virginia, and Cape Lookout, N.C.

Assateague, which consists mainly of sand dunes and marshes, was already in the process of being subdivided and developed when the U.S. Congress authorized purchase of the site in 1965.

Thirty-two miles long, this island has camping facilities maintained by the U.S. Department of the Interior and the State of Maryland. But much of the island, including a large wildlife refuge, has been left undeveloped—accessible only to boaters and hikers.

One of the area's main attractions: wild ponies, which, according to legend, are the descendants of survivors of the wreck of a Spanish galleon. They roam the island in herds of about six to eight, foraging for much of their food.

Several States, such as Oregon and Texas, have laws guaranteeing use of the beaches by the public. Oregon's supreme court recently reinforced the measures in that State by ruling that the public has the right to use dry-sand areas of ocean beaches for recreational purposes. The case arose after a motel had fenced off part of the dry-sand area for the exclusive use of its customers.

In some regions, private ownership of beach-front property limits or prevents nonowners from reaching the surf.

Beach legislation. Among recent measures intended to improve public access is a bill before the U.S. Congress affirming that "the public shall have free and unrestricted right" to use the beaches.

Representative Robert Eckhardt (Dem.), of Texas, a leading advocate of the measure, says:

"The beaches of the U.S. are a heritage of all the people of the entire United States. Both the present and future generations of Americans should have the right to the enjoyment of this most important natural resource."

PROPOSED SCHOOL LUNCH REGULATIONS

Mr. McGOVERN. Mr. President, recently the U.S. Department of Agriculture issued the proposed regulations for the national school lunch program. The changes in the school lunch legislation which was signed into law on May 14, 1970, require considerable alteration of the regulations. The legislation, Public Law 91–248 is intended to facilitate the provision of free and reduced price lunches for all needy children. This is the principal purpose of the legislation.

However, the regulations issued recently by the Department clearly do not serve to fulfill the intent of Congress in this respect. Rather than making it easier for school officials to provide meals to needy children these regulations will serve to hinder that effort.

I have detailed my objections to these proposed regulations in a letter to Secretary Hardin dated July 28, 1970. I have also received copies of letters to Secretary Hardin from Miss Jean Fairfax, chairman of the Committee on School Lunch Participation, which produced the notable work, "Their Daily Bread," Mr. Ron Pollack, director of the Columbia University Center on Social Welfare Policy and Law, Mrs. Marion Wright Edelman of the Washington research project, and from Miss Ruth Ann Robson of the Florida School Food Service Association. These letters fully explain the many problems that will be created by the proposed regulations if they are put into force. Without objection, I ask that these letters be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., July 28, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: Thank you for sending me a copy of the proposed School Lunch Regulations.

Unfortunately, I must tell you that I am very disappointed with the draft regulations. I feel they fly in the face of the intent of Congress in the passage of the recently enacted school lunch legislation.

Our intent was clear: to enable the schools in this nation to do a better job in reaching its needy children with a nutritious meal at lunchtime and to assure every needy child of a free or reduced price lunch, to which he is entitled. The regulations proposed by your Department do not help to carry out this Congressional intent: rather they serve to impede legitimate participation in the program.

The following is an outline of the objections I must raise:

I. (sec.) 245.1—The regulations do not define a national income poverty guideline. Congress intended that a *clear* standard be set. The regulations are vague in this respect. They do not even indicate how the guideline will be determined. I would direct your attention to P.L. 91–248 (p. 3) Section 6(b) which says: ". . . by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set worth in the income poverty guidelines should be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year."

II. (sec.) 245.3 "School authorities *may* include such additional criteria in their eligibility standards as they deem necessary to assure access to lunches by children (unable) to pay the full price of the lunch." (Emphasis added.)

It was *not* the intent of the Congress to allow school authorities to add additional criteria *as they deem necessary* to *their* standards.

First of all, by the use of "their standards" you imply that each school may have different standards. This, coupled with your failure to define the guidelines in (sec.) 245.1, completely nullifies the intent of Congress in placing a national standard in the legislation.

Second, and *most important*, you are, in effect, delegating discretionary authority that is wholly unauthorized when you instruct the school authorities to use such additional criteria "as they deem necessary." *Under no circumstances shall those unable to pay be charged for their lunches.* This needs to be made clear. Such additional criteria should only be used if it (1) serves to increase the participation rate, and (2) does not exclude any child who would be eligible on the basis of income and family size alone. I would suggest the following wording in lieu of that in the regulations: "School authorities *shall* include such additional criteria as *is* necessary to assure access to lunches by children (unable) to pay the full price of the lunch.

Further, since all other provisions of the regulations concerning program operations are established on a *district-wide* basis, it would seem that consistency demands the use of the "school district" in this section relevant to eligibility standards. The legislative history of this law makes clear that Congress intended to *reduce* the number of eligibility standards. This regulation tends to allow an increase in that number.

III. (sec.) 245.4 I think that it would be appropriate for the regulations to require distribution of eligibility forms as well as information concerning the existence of the program. Further, the Department could spell out, by example if necessary, the specific form of the application.

I think the application should simply require the adult signatory to attest to the fact that his income is *under* "x" dollars for the relevant family size. It should not, it seems to me, require any other information. It should be made clear that the child will start receiving free or reduced meals immediately upon filing of his statement of eligibility.

IV. (sec.) 245.5(b). In this subsection, the regulation suggests that school food authorities need not require an application when "alternative methods" are available. In view of the fact that the right to use "alternative methods" has been consistently abused in the past, a clarification of this phrase, i.e., what practices may fall within its scope, is certainly in order.

V. (Sec.) 245.7. Up to this point in the regulations, it seems clear that the determination for free or reduced price meals will be based solely on the method approved by Congress, i.e., self-certification. However, in this section the simple procedure is confused by stating that school food authorities can deny eligibility on appealable grounds—that is, for reasons apparently other than an income level above the established poverty level.

The intent of Congress is to impose no other criteria than income and household size, and to be as clear as possible that the determination of eligibility "shall be made solely on the basis of an affidavit. . . ." Section 245.7 should reflect this intent.

VI. (sec.) 210.7. This legislation will require considerable capital expansion, especially in urban areas, of existing school lunchroom facilities. Congress does not prohibit the use of income from the program for these purposes. Why do the regulations?

VII. (sec.) 210.10. The Select Committee on Nutrition and Human Needs has heard time and again of the need for a maximum reimbursement rate of at least 40¢ for special assistance. Yet, the Department has chosen a rate of 30¢. I feel that this will be a barrier to free lunch participation. This should be remedied.

These are some of the objections I raise to the proposed regulations. Numerous complaints and inquiries from state directors, and other concerned citizens have come to my office in recent days. Accordingly, in the interest of a truly effective program, I would request that, due to the serious nature of the problems cited herein, and due to the profound effect these proposed regulations will have on the intent of Congress that every need child be fed in school, the Department hold public hearings on these proposals before the regulations become final. I would like a reply to this request before the regulations are issued in final form.

Sincerely yours,

GEORGE MCGOVERN,
Chairman.

GROUPS INTERESTED IN IMPROVING THE SCHOOL LUNCH PROGRAM

I. THE PROVISION OF FREE AND REDUCED PRICE LUNCHES—REGARDLESS OF THE INCOME POVERTY GUIDELINES

The greatest inadequacy of the proposed regulations is the failure to delineate a clear policy for the provision of free and reduced price lunches. Although it is clear that the Secretary's "income poverty guidelines"—not yet promulgated—prescribe "the minimum annual family income levels for establishing eligibility for free and reduced price lunches" [7 C.F.R. § 245.2(e)], many questions seem to be unresolved (or more confused) by the proposed regulations: (1) What are the responsibilities of a school district where the income poverty guidelines are too low (because of higher costs of living) and a large percentage of families above the Secretary's guidelines are still unable to purchase lunches? (2) What are the responsibilities of a school district that has established a reduced price lunch program, pursuant to the Secretary's guidelines, but a large percentage of the families cannot pay the reduced prices? (3) What are the responsibilities of a school district where only a few families cannot

pay for the lunches, although the district's free and reduced price lunches may be generaly adequate for most indigent families? In sum: Beyond the income poverty guidelines, what are the school districts' responsibilities, under the Act and regulations, to children unable to pay for school lunches?

Most of the confusion stems from § 245.3 of the proposed regulations. In particular, one sentence therein may cause numerous difficulties:

School authorities *may* include such additional criteria in their eligibility standards *as they deem necessary* to assure access to lunches by children who are not able to pay the full price of the lunch. [Emphasis added.]

Read in context with the entire section, school administrators will probably believe that there are only two substantive *requirements* for free and reduced price lunch standards: (1) the criteria must somehow include (a) family income levels (including welfare grants) (b) size of family, and (c) number of children in school; and (2) the eligibility criteria, at a minimum, cannot be less than the income poverty guidelines prescribed by the Agriculture Secretary. Beyond this, based on the proposed regulations, administrators will believe that nothing else is *required*.

Such a reading of the National School Lunch Act is clearly contradictory to the statute's plain language as well as its clear legislative history. [42 U.S.C. §§ 1751 *et seq.*] As set forth in section 9 [42 U.S.C. § 1758], and substantiated in other sections, the Congressional policy of the Act is that no child—in a school with a lunch program supported by Federal lunch funds and/or commodities—is to be denied a mid-day meal because of inability to pay. The statutory purpose of section 9 was clearly stated in the Conference Report's Statement of the Managers on the Part of the House:

While it is the intent of the managers that every child from an impoverished family shall be served meals either free or at reduced cost—not to exceed 20 cents per meal—it is also the intent that free lunches be provided for the poorest of the poor and *under no circumstances shall those unable to pay be charged for their lunches.* . . . It should be clear that, although the poverty guideline is the only mandatory national standard, children from a family meeting other criteria *shall* also be eligible for free or reduced-price school lunches. [Page 9] [Emphasis added].

In support of these intentions, Congress promised that it would—for the first time—assure that sufficient funds are available to make the School Lunch Program accessible to all needy children. Section 11(a) of the Act provides:

There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance *to assure access to the school lunch program under this Act by children of low-income families.* [42 U.S.C. § 1759a(a).] [Emphasis added.]

The regulations should be changed to clearly enforce Congressional intent; at present, either by design or incompetent draftsmanship, the regulations emasculate the free school lunch policy of the Act. Several changes should be clearly made; the sentence, quoted above from § 245.3,[1] should be altered to read as follows:

"School authorities *shall* include such additional criteria in their eligibility standards as *are* necessary to assure access to lunches by children who are not able to pay the full price of the lunch." [Italic words indicate proposed changes.]

In so doing, the regulations should clearly state: (1) that the free and reduced price eligibility standards *must* exceed the "income poverty guidelines" where substantial numbers of poor families, with annual incomes higher than the Secretary's guidelines, cannot pay for the school meals; (2) that free lunches *must* always be provided to indigent children who cannot pay for a reduced price lunch; and (3) that children from families with incomes higher than the eligibility standards *must* receive a free or reduced price lunch whenever they cannot pay for their mid-day meals (whether such situation is caused by an emergency, irregularly high family expenses, or other reasons). Finally, the regulations should state that each school lunch program, supported by Federal funds and/or commodities, has the affirmative responsibility to assure that children are not denied a lunch because of an inability to pay.

II. THE INCOME POVERTY GUIDELINES

Although the income poverty guidelines are minimal requirements only after January 1, 1971, it is most troublesome that the Secretary has refused to establish and publish them with the proposed regulations. According to the Act [42 U.S.C. § 1758], the Secretary should have prescribed the guidelines by July 1, 1970[2]; the failure to announce them with the proposed regulations, or shortly thereafter, will make it difficult for many districts to comply with the national standards by January 1971. Since most school administrators are unfamiliar with the legislative history of the May amendments to the Act, they cannot be expected to know that the income poverty guidelines may substantially differ from present district criteria for free and reduced price lunches.

The Secretary must set forth guidelines that are, at least, equivalent to the O.E.O.-H.E.W. poverty standards. As the Conference Report states on page 9:

The conference amendment to the eligibility standard for free and reduced-price lunches makes it clear that every child from a household with an income below the poverty level shall be served free or reduced-price meals. A national standard for the poverty level, as determined by the Secretary of Agriculture, shall be used as the standard of eligibility in lieu of the multistandard as included in the original Senate-passed bill. *It is expected that this will be the same as established by the Department of Health, Education, and Welfare and the Office of Economic Opportunity.* [Emphasis added.]

Consequently, at a minimum, children from an urban family of four should be eligible for free or reduced price lunches if their annual income is $3,800 or below; children from a rural four-person household should receive free or reduced price lunches if the family income is $3,200 or below. Efforts should be made to assure that the Agriculture Secretary *quickly prescribes guidelines in compliance with the above-enunciated standards.*

III. UNIFORM FREE LUNCH STANDARD FOR SCHOOL DISTRICTS

Throughout the proposed regulations there is evident an intent by the department that policies and practices, for free and reduced price lunches, may differ from school to school in the same district. Not only is this an unwarranted recession from the limited progress of the October 1968 free lunch regulations, but such differing guidelines might confuse parents about their children's right to free lunches. More importantly, however, the proposed regulations will probably invidiously affect practices in schools with a high concentration of children from low-income families. In § 245.3, as an example, the proposed regulations state: "The school authorities *of each school* participating in the Program or of *a commodity only school* shall establish standards to be used in determining the eligibility of children for free and reduced price lunches." [Emphasis added.] As a result, a school district—for fiscal, political, racial, or other reasons—may prescribe more restrictive free lunch criteria in schools with larger numbers of poor children.

Differing free lunch standards from school to school in the same district is probably violative of both the National School Lunch Act and the Constitution. In section 9 of the Act, the statute states: "Such determinations [of eligibility for free and reduced price lunches] shall be made by *local school authorities* in accordance with a publicly announced policy and plan *applied equitably* . . ." [Emphasis added.] Query: Can free lunch plans be applied equitably if schools, with higher concentrations of children from low-income families, deny free lunches because of more restrictive eligibility criteria based on fiscal, political, racial, or other reason? Moreover, since the administrative practice under the statute—prior to the May amendments—utilized the term "local school authorities" to denote school *district* officials (rather than officials in particular schools), it is evident that Congress contemplated the continued formulation of district-wide free lunch policies promulgated by district officials. Congress would have changed the definition of that term if it means otherwise.

In addition to frustrating Congressional intent, the regulations may induce Constitutional violations of the Equal Protection Clause. Providing free lunches to some poor children, while denying free lunches to other children equally unable to pay but attending another school, violates our fundamental notions of fair play and equal treatment. In so doing, such discriminatory treatment probably violates the dictates of the Fifth and Fourteenth Amendments.[3]

IV. THE HEARING PROCEDURES

The hearing procedures delineated in § 245.7 of the proposed regulations were poorly drafted and will undoubtedly cause many school lunch administrators to misread the requirements under the new legislation. The regulations fail to set out who has the responsibility to ask for a hearing under different situations, thereby probably perpetuating administrators' impressions that the burden should always rest with the indigent-applicant. Clarification of school administrators' responsibilities, with regard to automatic free lunch eligibility and hearing procedures, is necessary.[4]

---

[1] See p. 2, *supra*.

[2] Section 9 of the Act [42 U.S.C. § 1758], in its relevant part, states: "The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year."

[3] Promulgation and application of different standards by local officials would constitute the violation of the Fourteenth Amendment; Department approval of, and participation in, such discriminatory standards would constitute the violation of the Fifth Amendment.

[4] Some of the confusion is somewhat obviated by the following language in § 245.5:

Decisions with respect to the eligibility of any child for free or reduced price meals shall be made on the basis of the information supplied in the application without further independent verification or investigation by school food authorities. If school food authorities wish to subsequently challenge the correctness of the information contained in any application, they shall do so in accordance with the hearing procedure established under § 245.7 of this part.

Despite this statement, further clarification—on the question of automatic free lunch eligibility and hearing procedures—is necessary to clearly define administrative responsibilities under varying situations (as illustrated below in the text).

The following hypothetical case is illustrative of the numerous situations that will arise. School (district) X has promulgated a free and reduced price lunch schedule, for a family of four, that sets eligibility standards as follows: $0–$4,000 annual income—children get lunch for free; $4,000–$5,000 annual income—children get lunch for (reduced price of) 20 cents; over $5,000 annual income—children pay (full price of) 35 cents. *Situation #1*: A parent, of a four-person household, signs a free and reduced price lunch application indicating that the annual family income is $3,800. (The children in this family, according to the Act, are automatically eligible for free lunches as soon as the application is handed in; if the school officials don't want to provide free lunches for the children, they can appeal the decision. The officials must prove that the family has a higher income than what is stated in the application; until a decision is made against the indigent family, the children must continue to receive a free lunch.) *Situation #2*: A parent, of a four-person household, signs a free and reduced price lunch application indicating that the annual family income is $4,400. (The children in this family, according to the Act, are automatically eligible for reduced price lunches for 20 cents per lunch as soon as the application is handed in; if the school officials don't want to provide reduced price lunches for the children, they can appeal the decision. Once again, the officials must prove that the family has a higher income than what is stated in the application; until a decision is made against the indigent family, the children must continue to receive a reduced price lunch.) *Situation #3*: A parent, of a four-person household, signs a free and reduced price lunch application indicating that the annual family income is $4,400. The parent indicates, however, that the children are unable to pay 20 cents per lunch. (*At the very least*, the children in this family, according to the Act, are automatically eligible for a reduced price lunch at 20 cents per lunch as soon as the application is handed in; the indigent parent has the right to appeal such a determination, proving the family's inability to pay for the 20 cent lunches. If the parent can adduce such evidence, the children have the right to free school lunches.) *Situation #4*: A parent, of a four-person household, signs a free and reduced price lunch application indicating that the family income is $5,200. The parent indicates, however, that the children are unable to pay for the school lunches. (This family, *at the very least*, has the right to a fair hearing to prove its inability to pay for the lunches. If the parent can adduce such evidence, the children are entitled to reduced price lunches; if the parent also shows that the family cannot afford the 20 cent lunches, the children are to get their lunches for free.)

The statutory support for the above-enumerated rights is found in section 9 of the Act. [42 U.S.C. § 1758] That section states:

"Determination with respect to annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

In setting forth the intent of that provision, the Conference Report states:

"The determination of income of an eligible household shall be made solely on the basis of an affidavit and such family shall be judged eligible for free or reduced-in-price meals until it is proven otherwise in a proceeding subject to the approval of the Secretary of Agriculture." [Page 9.]

Consequently, any application, signed by a parent ar guardian, that on its face indicates annual income within the free or reduced price lunch criteria, must be automatically approved. Moreover, since all children unable to pay for lunches are entitled to a free or reduced price lunch,[5] children from families with incomes higher than the district's criteria, have the right to a fair hearing to establish their right to a free meal. The regulations should articulate these rights more clearly so that possible confusions are minimized.

Beyond the necessity of clarifying automatic free lunch eligibility and related rights to a hearing, § 245.7 should be bolstered to include additional hearing safeguards with the six already enumerated in the proposed regulations. The regulations should clearly state that the hearing decision must be based solely and entirely on the evidence adduced at the hearing; information obtained from other sources cannot be utilized by the hearing official unless such information is provided at the hearing. Any information provided at the hearing, that adversely affects the indigent's position, must be subject to cross-examination. In addition, the promptness requirements of the proposed regulations should be strengthened to assure that a family's appeal will be acted upon within seven days. All of these rights are grounded on judicial interpretations of the due process provisions of the Fifth and Fourteenth Amendments.

V. FREE LUNCH APPLICATIONS

Although § 245.5 is fairly clear, its major failing is that no limitations are placed on the questions that can be asked on the application form. Applications should be restricted to four basic questions: (1) name, address, and phone number of parent or guardian; (2) annual income of family (including welfare); (3) number of people in the household; and (4) names and grade level of children in the family. An additional question may be asked that would invite the parent to answer why a free lunch should be provided, *applicable only if* the family is not automatically eligible by virtue of the income criteria.

The limitation on questions to be asked is based on the statutory policy of section 9 of the Act, as substantiated by the legislative history.[6] Since free lunch policies are to be based on family income and household size, any child, who qualifies under the school district's financial criteria, is automatically eligible for a free mid-day meal. No extraneous questions may be asked of free lunch applicants.

NAACP, LEGAL AND EDUCATIONAL FUND,
New York, N.Y., August 6, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I have been authorized by the persons listed below to present our comments on the proposed revision of the regulations of the National School Lunch Program which the Department of Agriculture has prepared pursuant to Public Law 91–248.

May we commend you for issuing these as "proposed revisions", for inviting comments from interested parties and for assuring concerned citizens that their suggestions will receive full consideration before the regulations are issued in final form. If the full promise of P.L. 91–248 and the President's commitment to feed all needy children by Thanksgiving are to be fulfilled, then USDA will surely wish to give great weight to the insights and experiences of agencies that have documented the problems of implementing child nutrition programs at the local level.

As we evaluate these proposed revisions, our concern is whether they will promote maximum and affirmative compliance with the new law. If state and local officials are faithfully to carry out their obligations under this law, then the language of the Regulation must be unequivocal in expressing Congressional intent, the duties imposed by the law must be explicit and the guidance provided by USDA must be timely in order to assure the necessary administrative reorganization and tooling up. We are confining our comments to those sections of the proposed revisions where (1) the language is ambiguous or inconsistent, (2) we believe there is a frustration of the intent of Congress as reflected in the legislative history or in the law and (3) where USDA's guidance is not being provided.

§ 245.2 Definitions

(d) "Free lunch means a lunch for which neither the child nor the parent pays." We urge you to add . . . "nor for which he or his parent works."

When we have advised USDA officials that some schools are reporting as a "free lunch" a meal for which a child or his parent works, we have been assured that this practice is contrary to USDA regulations. In order to ensure uniformity in reporting, and also to reinforce your policy that a needy child shall not be required to work in exchange for a free meal, the Regulation should clearly exempt from classification as a "free lunch" a meal for which a child or his parent works.

§ 210.2 Definitions

In the revision of the regulations printed in the Federal Register of January 20, 1970 (35 F.R. 753), 210.2(p) states that: "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program therein.

Over the years there has been considerable confusion concerning whether "school" refers to individual attendance units or to the "local educational agency" (school board). When Senator George McGovern proffered an amendment to clarify this matter by substituting "local educational agency" throughout child nutrition laws, the Senate Agriculture Committee rejected his suggestion on the advice of USDA. The Committee noted that:

The Amendment would not accomplish its objective in this respect. The Department of Agriculture advises that the school district is already the contracting agency in every case, so the amendment would not reduce the number of contracting agencies. The Department further advises that certain policies, such as that with respect to eligibility for free and reduced price meals, are already required to be fixed on a district wide basis. (Committee on Agriculture and Forestry, Report No. 91–641, "School Lunch and Child Nutrition Amendments")

In order to make it clear that "School Food Authority" means the governing body of the district, we recommend that USDA should:

1. Amend the regulations by deleting the following sentence from 210.2(p) as it appears in the notice of January 20, 1970: "The term 'School Food Authority' also includes a nonprofit agency to which such governing body has delegated authority for the operation of a lunch program in a school." The governing body can assign responsibility for implementing a policy and for operating a program, but it should not be permitted to delegate responsibility for the development of policies which by definition must be districtwide. To permit "School Food Authority" to be an individual principal or lunchroom manager would wipe out the progress which has been made in the past 18 months.

2. Use the term "School Food Authority" consistently throughout the new Regulation. The phrase, "school authorities of each school participating in the Program or of a community only school" is inconsistent with

[5] See pp. 1–4, *supra*.

[6] See, in particular, the quotations on p. 10, *supra*.

USDA's definition of "School Food Authority."

§ 245.3 Eligibility standards for free and reduced price lunches.

Sec. 6 of the new law amends Sec. 9 of the National School Lunch Act by mandating local school authorities to have a publicly announced plan for free and reduced price meals, applied equitably throughout the district on the basis of stated minimum criteria. The "Statement of the Managers on the Part of the House" following the conference committee on H.R. 515 declared:

"The conference amendment to the eligibility standard for free and reduced-price lunches makes it clear that every child from a household with an income below the poverty level shall be served free or reduced-price meals. A national standard for the poverty level, as determined by the Secretary of Agriculture, shall be used as the standard of eligibility in lieu of the multi-standard as included in the original Senate-passed bill. It is expected that this will be the same as established by the Department of Health, Education, and Welfare and the Office of Economic Opportunity.

"While it is the intent of the managers that every child from an impoverished family shall be served meals either free or at a reduced cost—not to exceed 20¢ per meal—it is also the intent that free lunches be provided for the poorest of the poor and under no circumstances shall those unable to pay be charged for their lunches. The determination of income of an eligible household shall be made solely on the basis of an affidavit and such a family shall be judged eligible for free or reduced-in-price meals until it is proved otherwise in a proceeding subject to the approval of the Secretary of Agriculture.

"It should be made clear that, although the poverty guideline is the only mandatory national standard, children from a family meeting other criteria shall also be eligible for free or reduced price school lunches."

In view of this unmistakably clear statement of Congressional intent, we make the following comments on your proposed revision:

1. As we stated earlier, it should be made explicit that it is the "School Food Authority" for the district and not the "school authorities of each school" that have the legal responsibility for setting district-wide standards.

2. To implement the Congressional intent that every needy child shall be fed, the Regulation should explicitly state that whatever criteria a school district uses in addition to income and family size must in fact increase the participation of low-income children and not exclude any needy child. USDA's statement that "school authorities may include such additional criteria in their eligibility standards as they deem necessary to assure access" considerably weakens the Congressional mandate which, we believe, places an affirmative obligation on local school authorities to seek out needy children and feed them. *"Under no circumstances shall those unable to pay be charged for their lunches . . . Children from a family meeting other criteria* (than the mandatory national standard) *shall also be eligible."* (emphasis added). Instead of the discretionary language in the proposed revision, the sentence should read:

"School authorities shall include such additional criteria in their eligibility standards as are necessary to assure access to lunches by children who are not able to pay the full price of the lunch."

3. We are pleased to learn that you have issued the Income Poverty Guidelines for 1970–71. Although this standard will not become mandatory until January 1, 1971, we hope USDA will urge districts to use this standard beginning with the fall 1970 term. New districts entering the National School Lunch Program for the first time this September and especially the commodity only districts, which will join this fall because the new law provides the financial incentive for them to get reimbursement for the free meals which they have not provided in the past, should be strongly encouraged to launch their free and reduced price program at the January 1971 level. It would be administratively inefficient for these districts to create and implement new standards twice within four months.

4. Other than restating the minimum income criteria, the proposed revised regulations do not offer any guidance to local school authorities concerning the nature of an equitable district-wide free and reduced price plan which would fulfill Congressional expectations. In the absence of any language which communicates the intent in the Managers' Statement, we fear that there will be wide variations in the quality of plans, not only across the country but within the States. USDA has an obligation to advise local authorities and the States which will be monitoring local plans that an adequate plan must at a minimum ensure:

(a) Priority to the neediest children wherever they are—whether they are in poverty-impacted schools, in schools currently without food service or whether they are in isolated pockets in the district;

(b) That no child is required to pay if he is unable to do so or is required to pay a price which he cannot afford;

(c) That the maximum number of children are included who are above the income poverty standard but who still cannot afford to pay the full price of meals.

§ 245.5 Applications for free and reduced price lunches.

Sec. 6. (b) of Pl. 91–248 states that "Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household." The Managers' Statement further declares that "such a family shall be judged eligible for free or reduced-in-price meals until it is proven otherwise . . ." It is clear from the above that Congress has mandated an application process involving simple self-certification, with needy children deemed eligible, *and therefore fed,* until they are determined to be ineligible. In view of the above it is our position that:

1. In order to ensure district-wide uniformity it should be made clear that the School Food Authority, i.e., the school board, should provide this form. Furthermore, we recommend that this form should be provided along with the letter or notice to parents required under 245.4(a).

2. We urge you Mr. Secretary, to prescribe the form of a simple affidavit, as permitted by the law, which should be nation-wide with the beginning of the fall 1970 term. Although many families might not be eligible for free and reduced price meals in some states before your new income poverty guidelines are implemented in January 1971, we believe it is burdensome to require families to register twice within such a short period of time. Furthermore, in fulfillment of the Congressional intent, we believe you have an obligation to discourage local school districts from asking prying and irrelevant questions. It has been our experience that questions about the source of income, names of employers, color television sets in the home, etc., often subject poor people to harassment and/or reprisals.

3. 245.5(b) states that "School food authorities need not require the submission of an application from a family when alternative methods are available to determine the eligibility of a child for a free or reduced price lunch." On the one hand this is good, for it could encourage school officials to identify as needy certain categories of children, such as welfare recipients, who should be automatically fed without waiting for applications from families. However, the "alternative methods" now used by some school districts, e.g. the use of agencies committed to restrictive free lunch policies, will defeat Congressional intent. USDA must state explicitly that only those "alternative methods" are acceptable which increase the participation of needy children.

§ 245.7 Hearing procedure for families.

245.7(a) The Regulation should clearly state that it is the School Food Authority for the district, i.e. the school board, and not "the school food authority of each school" which has the obligation to establish the hearing procedure.

The right of the child to be fed pending clarification of his eligibility should be clear and uniform. The inconsistency between (a) and (b) should be eliminated. In view of the clear Congressional intent as stated in the Managers' Statement, *"such a family shall be judged eligible for free and reduced-in-price meals until it is proven otherwise,"* children of families who have certified themselves as eligible should be fed a free or reduced price meal until a valid hearing process has determined that they are ineligible.

§ 210.4(a) State Plan of Child Nutrition Operations

We believe that the requirement for state plans holds great promise. USDA has an opportunity to encourage the States to assess the nutritional status of children and youth, to identify high risk segments of the child population, to select target communities and to undertake the kinds of projects (research, demonstration, professional development programs, etc.) which will ensure the imaginative and qualitative implementation of PL 91–248. Because most of the States have not been engaged in comprehensive long-range planning and development in their child nutrition programs in the past, they are going to need considerable guidance from USDA. USDA must specify what comprehensive planning means. As a minimum we recommend the addition to 210.4(c) of the following which should be included in the States' plans:

(4) The State's plan for the use of Non-food Assistance funds available under Sec. 2(s) of Pl 91–248;

(5) The State's proposals for use of funds available under Sec. 3(3) of the Act for nutritional training and education of workers, cooperators and participants in these programs and for necessary surveys, and studies of requirements for food service programs;

(6) The State's proposals for use of 1% of its apportionment for special developmental projects, authorized under Sec. 8;

(7) The State's plan for coordination with other public and with private agencies in the assessment of the nutritional status of children in the state and in the development of effective programs and delivery systems for meeting the nutritional needs of children.

We would welcome an opportunity to discuss our recommendations with members of your staff before the final version of the revised regulations are issued.

Sincerely yours,

Jean Fairfax, Director, Division of Legal Information and Community Service, NAACP Legal Defense & Educational Fund.

Edward Anderson, Friends Committee on Compliance and Enforcement, Leadership Conference on Civil Rights, 2027 Massachusetts Ave., N.W., Washington, D.C. 20026.

Charles U. Daly, President, The Children's Foundation, 1026 17th Street, N.W., Washington, D.C. 20036.

James Hamilton, Chairman, Committee on Compliance and Enforcement, Leadership Conference on Civil Rights, 2027 Massachusetts Ave., N.W., Washington, D.C. 20026.

Hulbert James, Crusade Against Hunger, National Council of Churches, 475 Riverside Drive, New York, New York.
Glenn Allison National Association of Social Workers, 1346 Connecticut Avenue N.W., Washington, D.C. 20002.
Jack Beidler, Committee for Community Affairs, 1000 Wisconsin Avenue, N.W., Washington, D.C.
James P. Carter, M.D., Departments of Pediatrics and Nutrition, School of Medicine, Vanderbilt University, Nashville, Tennessee
Eleanor Eaton, Community Relations Division, American Friends Service Committee, 160 North 15th Street, Philadelphia, Pennsylvania
Sarah Herbin, Black Women's Community Development Foundation, 1028 Connecticut Avenue, N.W., Washington, D.C. 20036
Ceronoria Johnson, National Urban League, 425-13th Street, N.W., Washington, D.C.
Barbara D. McGarry, American Parents Committee, 20 E Street, N.W., Washington, D.C.
Arnold Mayer, Amalgamated Meatcutters and Butcher Workmen (AFL-CIO) 100 Indiana Avenue, N.W., Washington, D.C. 20001
John Kramer, National Council on Hunger and Malnutrition in the U.S., 1000 Wisconsin Avenue, N.W., Washington, D.C.
David Ackerman, National Council of Churches, 110 Maryland Avenue, N.E., Washington, D.C. 20002.
Richard Warden, Legislative Representative, AFL-CIO, 815-16th Street, N.W., Washington, D.C. 20005.

FLORIDA SCHOOL SERVICE ASSOCIATION, INC.,
Tallahassee, Fla. July 31, 1970.

Mr. HERBERT D. ROREX,
Director, Child Nutrition Division, Food and and Nutrition Service, U.S. Department of Agriculture, Washington, District of Columbia.

DEAR MR. ROREX: As president of the Florida School Food Service Association I have just sent the enclosed telegram to Secretary Hardin. The school food service personnel of the nation are counting on you, as Director of the Child Nutrition Division of the Food and Nutrition Services, to see that public hearings are held to discuss and strengthen the proposed regulations.

You will be concerned, I'm sure, that a member of the Budget Bureau of the Florida State Department of Administration has proposed the elimination of the recent 2.75 million dollar appropriation for feeding needy children just enacted by the State Legislature, in an effort to help balance the State budget.

RUTH ANN ROBSON.

JULY 31, 1970.

Secretary CLIFFORD HARDIN,
Department of Agriculture:

The Florida School Food Service Association requests extension of time for commenting on proposed revision of the regulations governing the national school lunch program PL 91-248, and strongly urge that a public hearing be called for discussing and strengthening the proposed regulations before they are issued in final form. We also urge that the new regulations clearly and specifically prohibit states from reducing or withdrawing state appropriations to feed needy children because of increased Federal assistance for free meals.

AUGUST 6, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR SECRETARY HARDIN: As a group concerned with the problems of hunger and poverty in the United States, we of the Washington Research Project were extremely encouraged by the passage of the National School Lunch Act of 1970. Unfortunately, the proposed revisions to the School Lunch regulations released by your Department on July 17, 1970, do not carry forth the high purpose of Congress in passing that law. By ignoring the statutory language and Congressional intent in several important and obvious ways, USDA regulations will drastically inhibit the full and effective implementation of the School Lunch Program. We urge you to redraft these regulations in order to ensure that all needy children will in fact receive the benefits of the program.

We were pleased to learn that on August 7, 1970 you will publish an income poverty guideline as required by the Act. It is imperative that school districts be informed of the guidelines immediately, so that they will be able both to comply with the initial reporting requirements on October 1, 1970, and to implement the national standards by January 1, 1971. In addition, you should urge all school districts to voluntarily adopt the national standards for use beginning in September, in order to take advantage of the increased amounts of federal support available under the 1970 Act.

In addition, the following sections of the proposed revisions require clarification or amendment to ensure full compliance with the new law:

Section 245.3—Eligibility Standards for Free and Reduced Price Lunches:

First, the revised regulations will not ensure that *every* child who cannot afford to pay for a lunch will receive one for free or at a reduced price. Eligibility criteria consisting of income level and family size are specified; but there is no *requirement* that additional pertinent criteria be applied to ensure, as Congress clearly intended, that children whose families exceed the poverty guideline are still included if they are unable to pay for their lunches. Your department should enumerate certain required additional criteria, such as special medical bills, a recent death in the family, or sudden loss of earnings; and it should make absolutely clear that all other additional standards adopted must be used to *increase* participation in the program not, as may occur in some places, decrease it. The discretionary language contained in your proposed revision falls far short of defining the affirmative obligation on local school authorties to seek out needy children and feed them.

Second, the regulations should make explicit that the eligibility standards are to be set by the school district, not each participating school, and that such standards are to be uniform throughout the entire district. The proposed revision is very confusing on this point and can be interpreted wrongly to allow the standards to vary from school to school.

Section 245.5—Applications for Free and Reduced Price Lunches:

Paragraph (a) of Section 245.5 implies that the applicable form from which eligibility is determined may vary from school to school. This too violates the Congressional intent that the program have a uniform procedure throughout each school district. We urge you to establish a uniform national application form or, in lieu of this, to limit the questions that may be asked on the application form developed by each district. To prevent needless intimidation and invasion of privacy, only four basic questions should be permitted:

(1) The name and address of the head of the household;

(2) The number of people in the household;

(3) The annual income of the family;

(4) The names, grades, and schools of children in the family.

Additional questions concerning unusual medical expenses or other extenuating circumstances might also be permitted that would invite the parent to answer why a free lunch should be provided where the family is not automatically eligible by virtue of the income criteria.

Provision should also be made for the distribution of these forms. We suggest that the form be sent to the parents along with the letter or notice required by Section 245.4(a) of the regulations and with an assurance that only the information on the form will be necessary. The regulations should also make explicit that the form need not be delivered personally by the applicant; in the past such a rule has greatly reduced the number of persons able to apply in many school districts.

Section 245.7—Hearing Procedure for Families:

Paragraph (a) of this section is ambiguous and might very well undercut the worthwhile procedures established by Section 245.5. Under the latter provision, the information contained in an application must be accepted on its face, and the applicant's family must be deemed eligible immediately. If the school authorities believe the application is erroneous, they may investigate and challenge the family's right to free or reduced price lunches at a full hearing conducted pursuant to paragraph (b) of Section 245.7. Pending the hearing the children must continue being fed.

Paragraph (a) implies, however, that school officials may in some cases reject an application even though it meets the eligibility criteria. This ambiguity must be removed and the provision's function limited to the exceptional case in which a family does not qualify under the ordinary criteria contained in the application but wishes a hearing to establish some special ground of eligibility. (Section 245.4 suffers from this same confusion and its language too should be improved to avoid any misunderstanding.)

We hope that you will give careful consideration to these comments and the issues which they raise.

Sincerely,

MARIAN WRIGHT EDELMAN,
MICHAEL B. TRISTER,
PATRICIA W. FITZPATRICK.

Mr. McGOVERN. Mr. President, in the interest of a truly effective national school lunch program and due to the many objections which have been raised by myself and others to the proposed regulations, I have requested that Secretary Hardin instruct officials at U.S. Department of Agriculture to hold a public hearing on the matter at issue.

The Congress has in the past year taken the first great strides in living up to its commitment to end hunger and malnutrition in America. One of those great strides was in the passage of the school lunch bill authored by the Senator from Georgia (Mr. TALMADGE) and the amendments thereto. At the White House Conference on Food, Nutrition, and Health held last December, President Nixon declared that his administration had a "target of reaching every needy schoolchild with a free or reduced-cost lunch by the end of the current fiscal year." If the proposed regulations are put into force, the U.S. Department of Agriculture will frustrate both the intent of Congress and the goal set by the administration itself. I think that it would clearly be appropriate, Mr. President, for the Department to hold a public hearing on the proposed school lunch legislation.

SENATOR SCOTT'S RECORD ON ARMED SERVICES, DEFENSE, AND DRAFT LEGISLATION

Mr. DOMINICK. Mr. President, our esteemed Minority Leader Senator SCOTT of Pennsylvania has long been concerned with the vital national issues which face all of us as Senators, being active and vocal not only on matters from his own committees but in matters of national security, our common defense, and the welfare of the members of our Armed Services and their families.

We may not have agreed on each and every vote, and that is how it should be in matters that are common to all Americans, but his flexibility, imagination, concern and balance on these crucial issues are evidenced plainly in his voting record compiled over the last 12 years.

I ask unanimous consent that his record and these issues be printed in the RECORD.

There being no objection the Senator's record was ordered to be printed in the the RECORD, as follows:

SENATOR SCOTT'S RECORD ON ARMED SERVICES, DEFENSE, AND DRAFT LEGISLATION

The preamble of our Constitution states that one of the central functions of government is to "provide for the common defense." History has taught us that a free society at home does not mean very much if that society is vulnerable to attack from abroad. With that in mind, Senator Hugh Scott knows that the United States must remain a strong nation.

There comes a time, however, when the defense structure, as do others, becomes unresponsive to the demands of economy in government. While still recognizing the necessity for a strong and viable defense system, Senator Scott knows that there is an equal need to reduce unnecessary expenditures wherever possible. During the recent period of shocking exposures of military waste, the Senate has re-affirmed its traditional Constitutional prerogatives in this area.

The following summary outlines Senator Scott's record on national defense issues:

91ST CONGRESS

Legislation

S. 781—To establish a temporary Commission to consider the feasibility of completely voluntary system of enlistments.

S. 1433—Draft Reform Act—to revise the provisions of the Selective Service Act relating to priority for induction; provides for a random selection system.

S. 3117—To improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander and to create an independent trial command for the purpose of preventing command influence.

Votes

Voted to proceed with limited deployment of the Safeguard anti-ballistic missile system.

Voted for Schweiker-Scott amendment requiring Defense Department quarterly reports on major contracts for development and procurement of weapons systems, and to authorize independent audits of major contracts.

Voted to control the testing of chemical and biological warfare components.

Voted to cut military research, development, test and evaluation programs by $45.6 million.

Voted to require a comprehensive study and investigation of costs and effectiveness of aircraft carriers.

Voted to place a monetary cutoff on military funds used for independent research and development by contractors.

Voted to express the sense of the Senate favoring mutual suspension of further deployment of strategic weapons systems by the Soviet Union and the United States.

Voted to repeal the Gulf of Tonkin Resolution.

Voted to provide that nothing in the Cooper-Church amendment shall be deemed to impugn the powers of Congress, including the power to declare war and to make rules and regulations for the Government and regulations of the Armed Forces of the United States .

Voted for a study of profits of certain defense contracts and contracts not subject to competitive bidding.

Voted to place a ceiling on the number of active duty armed service personnel, and to require that for every man withdrawn from Vietnam, ceiling must be reduced by one man.

Voted to reduce by $25 million, the emergency fund for research, development, test and evaluation programs.

Voted to support the expressed intention of the President that no funds could be used to finance the introduction of ground combat troops into Laos or Thailand.

90TH CONGRESS

Legislation

S. 952—To authorize research and development in the Coast Guard to develop effective electronic guidance system for use in navigation channels.

S. 1181—To exempt sole surviving son of a family in Armed Forces from combat zone service.

S. 2009—To prescribe uniform rules of procedures to be followed by the Armed Forces in the case of administrative discharge boards; to establish a Judge Advocate General's Corps in the Navy; to create single-officer general and special courts martial; to establish in each armed force a Court of Military Review.

S. 2260—To provide compensation for civilian American citizens and prisoners of war captured during the Vietnam conflict.

Votes

Voted to provide that while there are involuntary inductions, they should be only when a voluntary system is not reasonably attainable because of defense commitments beyond resources available and such involuntary inductions should be by a system of selection which is fair, just, and shared generally, with frequent and impartial reassessment by Congress toward replacing it with a voluntary induction system.

Voted to prohibit expenditure of funds for deployment of the Sentinel anti-ballistic missile system, until the Secretary of Defense certified to Congress the system was practicable and its cost could be determined with reasonable accuracy.

Voted to reduce military procurement authorizations by $661,000.

Voted to prohibit obligation or expenditure of funds for construction, procurement, or deployment of the Sentinel anti-ballistic missile system.

Voted to strike $387.4 million for deployment of the Sentinel anti-ballistic missile system.

Voted to prohibit use of funds appropriated for defense grants for indirect expenses for any research project in excess of 25 percent of the direct cost of such research.

89TH CONGRESS

Legislation

S. 2482—To prohibit obstruction of performance of duty by Armed Forces, by obstruction of transportation of personnel or property thereof.

S. 3169—To authorize special programs for mentally retarded and ill or physically handicapped spouses and children of members of the uniformed services.

Votes

Voted to bar funds for vessel procurement of construction in foreign shipyards.

88TH CONGRESS

Legislation

S. 2432—To provide for a comprehensive study and investigation of the compulsory military training system.

Votes

Voted to reduce appropriations for defense procurement by $474,000.

87TH CONGRESS

Votes

Voted to establish the U.S. Arms Control and Disarmament Agency for World Peace and Security.

86TH CONGRESS

Legislation

S. 1059—To provide for education of children of members of the Armed Forces in communitites in which public schools are closed.

Votes

Voted not to increase funds for procurement of equipment and missiles by the Army from $1.45 billion to $1.68 billion.

Because of Senator Scott's efforts, our Nation's defense still remains strong and responsive to any threat. But his efforts have also put the military on notice that excessive cost over-runs and wasteful spending will no longer be tolerated.

WRONG CURE FOR INFLATION

Mr. MOSS. Mr. President, I am sure that all Members of Congress are concerned about inflation. It is probably our most urgent domestic problem.

Spiraling prices have been working hardships on all sectors of our economy—those on fixed income have seen their purchasing power decline, labor has had to seek higher wages to maintain parity of income, businessmen have had to raise prices to cover higher costs, and the cost of Government services has increased.

In our attempt to control inflation, however, we must not lose sight of other economic goals. Unemployment is increasing and expected to go higher. Economic growth has been arrested, giving rise to numerous problems. Some of our most pressing national priorities are not being adequately met.

I ask unanimous consent to have printed in the RECORD an editorial from this morning's New York Times dealing with the President's veto of two major appropriation bills yesterday.

The article examines the veto in view of our current economic situation and all our national economic goals. It points out that no supportable case can be made for singling out education, housing, and other domestic programs as being the cause of inflation, and there is no reason why the President cannot cut wasteful defense spending to balance increases in civilian spending during our transition from a war oriented to a peace oriented economy.

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

WRONG CURE FOR INFLATION

President Nixon has vetoed two big Federal appropriation bills for education, hous-

ing and other domestic functions on the ground that they exceeded his budget request by nearly a billion dollars. Mr. Nixon maintained that if he were to sign the bills, he would be saying "yes" to a higher cost of living, higher interest rates and higher taxes.

The President's decision to veto these two measures must be seen in the perspective of other actions that his Administration favors. It is pressing hard for Senate approval today of the ABM, a project of incalculable cost and great peril. More broadly, Mr. Nixon insists that he sees no room for further reductions in the $70 billion defense budget.

In fact, he has suggested that further cuts in defense spending will aggravate unemployment. Just this week, in signing the unemployment insurance bill, the President warned that 800,000 men released from the armed forces and defense plants "would have to be absorbed into the American work force in the private sector and also in some Government activities."

There is no reason why the President cannot balance further defense cuts with increases in civilian spending to ease this transition. The economy has unemployed resources and can use moderate increases in total demand. Indeed, this is why the President and his economic advisers have been pushing for an easier monetary policy.

No supportable case can be made for isolating from all other fiscal and monetary policies one billion dollars needed for domestic programs as the cause of inflation. The economic programs of this Administration and its sense of national priorities require an over-all review—and a strong Congressional response.

THE FBI

Mr. TALMADGE. Mr. President, I have long been a great admirer of Director J. Edgar Hoover and the Federal Bureau of Investigation. I regard the FBI as the most efficient law enforcement agency in the world. The effectiveness of the Bureau in combating crime and in protecting national security over the years is immeasurable.

Unfortunately, in recent years, the FBI has been made the target of criticism by certain militant and radical groups in the country, along with just about every other symbol of authority and law and order. This regrettably is a symptom of the times in which we now live. However, an overwhelming majority of the American people have confidence in the FBI and respect its work. Insofar as criticism of the FBI is concerned, I hope that the Bureau will consider the source and go on about its business in keeping with the integrity and tradition that have characterized its operation for almost a half century.

The Washington Evening Star of August 11 contains an excellent editorial written by the columnist David Lawrence on the FBI. 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:

FBI THE TARGET OF SMEAR CAMPAIGN

(By David Lawrence)

The Federal Bureau of Investigation is perhaps the most effective agency related to law enforcement in the world today. It is at the same time the victim of more barbs of hate and criticism from the so-called "liberal" group than any other part of the government.

A Gallup poll, therefore, which has just been issued is significant. It shows that the favorable rating of the FBI by the public has declined from 84 percent in December 1965 to 71 percent today. This can be attributed largely to the attitude of the younger respondents, and is doubtless due to the antiwar and youth groups which have made the FBI a special target in their criticisms of the "establishment."

As a matter of fact, the FBI carries on investigative work where there are violations of federal law and crimes across state lines. It simply gathers information and reports findings to the Department of Justice or to state or city agencies which might use them. Many an important criminal has been caught as a result of the data collected by the FBI.

Interestingly enough, the Central Intelligence Agency, which does not operate in this country but investigates certain American interests in foreign countries, is also the object of attack and scorn. It has long been the custom for some of the people who would ignore the law to denounce both the FBI and the CIA and to give the impression, especially to young people, that these agencies are possessed of evil motives and are engaged in improper practices.

But all the prosecuting attorneys and officers who are familiar with what these two agencies do for the federal government in collecting data about criminals and their activities know that, except for the skill of the agents who come up with information that helps to catch and indict many a wrongdoer, a lot of guilty persons would have escaped punishment.

The FBI has a considerable influence on the police systems of this country and plays an important role in the methods of training police officers. It collaborates often with state and city authorities who seek advice and counsel on how to improve law-enforcement agencies.

The change in the Gallup poll ratings from 1965 to 1970 is not really noteworthy except that it indicates the continuing effects of smear tactics. Many of the younger people believe the reports they are hearing about the FBI. Even though there is really nothing on which to base them.

The FBI was established in 1908, but it was not until it was reorganized and J. Edgar Hoover became chief of the bureau that the agency began to be a model of efficient operation. The bureau maintains a total abstention from all political affiliations or entanglements, and not only follows closely the instructions given by each attorney general but carries on a good deal of work on its own initiative in order to collect valuable information about crime and subversion in America.

Hoover has been the head of the FBI since 1924. He rarely gives interviews or makes appearances in public. He keeps out of the political controversies of the day. But he is the object of bitter denunciation by groups which have lately been showing defiance of law and order in America.

The FBI gathers information to guide its own agents in being at the right place at the right time in order to catch criminals who are fugitives from justice. It is one of the remarkable achievements of the bureau that, over the years, some of the most dangerous of the criminals may have for a while escaped capture, but in the end found themselves in the hands of the FBI.

The police departments of states and cities have confidence in the FBI, cooperate with it and employ its help in ferreting out criminals, especially those who have fled from their jurisdiction. The FBI does not participate in any of the decisions as to whether a case shall be prosecuted or abandoned, but leaves such matters to the attorney general or the solicitor general to determine.

All this is why the FBI has achieved its reputation for fairness, efficiency and nonpolitical involvement as an information-gathering agency for the federal government.

REMARKS OF CHIEF JUSTICE BURGER

Mr. DOLE. Mr. President, the Chief Justice of the United States addressed the American Bar Association's convention in St. Louis on Monday of this week. His remarks were, it is hoped, a first step toward an annual state of the judiciary address to Congress, a highly appropriate and necessary addition to our governmental procedures.

Chief Justice Burger, in his historic address, raised a vivid and persuasive alarm over the present status of our Federal judicial apparatus and the outlook for its future functioning under present burdens of increasing litigation, limited manpower, and budgetary inadequacies.

His warnings were combined with numerous proposals, suggestions and considerations, which should stimulate considerable thought and discussion and hopefully will result in meaningful reforms and innovations in the administration of justice in this country.

Congress was not privileged to hear the remarks of the Chief Justice in person, but they merit our careful attention and analysis. I therefore ask unanimous consent that the speech be printed in the RECORD.

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

REMARKS OF WARREN E. BURGER

When President Segal and the Board of Governors of this Association invited me to discuss the problems of the federal courts with you as leaders of the legal profession, my mind turned at once to one of the great statements on the problems of the administration of justice. That was Dean Roscoe Pound's famous speech to this Association at your meeting 64 years ago. He said then that the work of the courts in the 20th Century could not be carried on with the methods and machinery of the 19th Century. If you will read Pound's speech, you will see at once that we did not heed his warning, and today, in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery he [Pound] said were not good enough in 1906. In the supermarket age we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900.

I would not be warranted in coming here today if I spent our very limited time reminding you what is good about our courts, or about the splendid and dedicated judges and others, most of whom are overworked to make the system function. I wish the public could know what you have accomplished first, in the support of public defender programs and now more recently in providing free legal services for people long unrepresented in civil matters. My responsibility today, however is to say to you frankly—even bluntly—what I think is wrong with our judicial machinery and what can and must be done to correct it in order to make the system of justice fulfill its high purpose.

The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the 200 million cost of a C–5A airplane. The entire cost of the Federal Judicial System is 128 million dollars. Military aircraft are obviously essential in this uncertain world, but surely

adequate support for the Judicial Branch is also important.

Wall Street experts recently estimated that American citizens and businesses spend more than 2 billion dollars a year on private security and crime control. Aside from the ominous implications of this in a free society, just think what 2 billion dollars could do for public programs to prevent crime and enforce law. That is where such support belongs.

More money and more judges alone is not the real solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only delay but often encourage it.

I am confident that if additional costs arise in the process of making needed changes and improvements in the management of the judicial system, Congress will support the Courts. But judges must demonstrate the needs clearly. Congress is harassed with demands for more appropriations for more and more new programs, each of which is labeled a high priority. We must first show that we are making the best possible use of what we already have and it is here that improved methods and skilled management techniques will count. These will cost relatively little in relation to the whole budget.

You know that in this brief report I can do no more than touch highlights and more detailed treatment of these problems must follow. I hope we can provoke debate—and even controversy—to explore and test what I have to say. With increasing urgency every one of my distinguished predecessors from Chief Justices Taft and Hughes to Chief Justice Earl Warren have pressed these mattters, but today I place this burden squarely on you, the leaders of the legal profession, in common with all judges. If the 144,000 lawyers you represent in 1,700 state and local bar associations will act promptly, you will prevent a grave deterioration in the work of the federal courts. And you should remember Justice Vanderbilt's warning that these tasks are "not for the shortwinded."

In the federal courts today the problem areas are essentially in large cities. Here we find in the judicial system no more than a reflection of the complexities created by the population shift to large urban centers. The problems exist where the action is.

In Maine, for example, there is only one federal District Judge and literally not enough for him to do. As a result he has, for 15 years or more, accepted assignments to go to courts all over the country where help was desperately needed. Many judges in the less busy districts have done the same. It is in the large centers that both civil and criminal cases are unreasonably delayed and it is there that the weaknesses of our judicial machinery show up.

How did this situation come about in the face of numerous additional judgeships added by Congress in the past 30 years?

When we look back, we can see three key factors that are important to our discussion:

First the legal profession—lawyers and judges and Congress, with few exceptions—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.

Second, all the problems he warned about have become far more serious by the increase in population from 76 million in 1900 to 205 million in 1970, and with it came the growth of great cities and the increase in the volume of cases.

Third, entirely new kinds of cases have been added because of new laws passed by Congress and decisions of the courts.

In this 20th Century, wars, social upheaval, and the inventiveness of Man have complicated individual lives and society. The automobile, for example, did more than change the courting habits of American youth—it paved the continent with concrete and black top; it created the most mobile society on earth with all its dislocations; it led people from rural areas to crowd the unprepared cities. That same automobile which altered our society also maimed and killed more persons than all the wars combined and brought into the courts thousands of injury and death cases which did not exist in 1900. Today automobile cases are the largest single category of civil cases in the courts.

All this ferment of wars, of increased movement of people, congestion in the cities, and social changes produced dislocations and unrest that contributed to an enormous increase in the rate of crime.

In a free society such as ours these social and economic upheavals tend to wind up on the doorsteps of the courts. Some of this is because of new laws and decisions and some because of a tendency that is unique to America to look to the courts to solve all problems. From time to time Congress adds more judges but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotics addicts and the mentally ill. These additions came when civil rights cases, voting cases and prisoner petitions were expanding by the thousands.

Meanwhile criminal cases, once a stable figure in the federal courts, were increasing. The records show that in all federal district courts it now takes twice as long as it did 10 years ago to dispose of criminal cases from indictment to sentence.

To illustrate the changes, consider just a few figures: From 1940 to 1970:

Personal injury cases multiplied 5 times;

Petitions from state prisoners seeking federal habeas corpus relief increased from 89 to over 12,000;

And during this period Congress increased the number of judges by 70%, while the total number of cases filed in the federal district courts nearly doubled.

But the increase in volume of cases is not by any means the whole story. Experienced trial judges note that the actual trial of a criminal case now takes twice as long as it did 10 years ago because of the closer scrutiny we now demand as to such things as confessions, identification witnesses, and evidence seized by the police, before depriving any person of his freedom. These changes represent a deliberate commitment—some by judicial decision, and some by legislation—to values higher than pure efficiency when we are dealing with human liberty.

The impact of all the new factors—and they are many and complex—has been felt in both state and federal courts. A few illustrations as to federal courts may help.

The Criminal Justice Act of 1964 guaranteed a lawyer for criminal defendants—at public expense for the indigent—and along with it appeals at public expense. The Bail Reform Act of 1966 authorized liberal release before trial without the conventional bail bond. Each of these Acts was an improvement on the existing system, but we can now see what was produced by their interaction in a period when crime was increasing at a startling rate. The impact was most noticeable in Washington, D.C., where federal courts handle all felony cases. Defendants, whether guilty or innocent, are human: they love freedom and hate punishment. With a lawyer provided to secure release without the need of a conventional bail bond, most persons indicted (except in capital cases) are released pending trial. We should not be surprised that a defendant on bail exerts a heavy pressure on his court appointed lawyer to postpone the trial as long as possible so as to remain free. These postponements—and sometimes there are a dozen or more—consume the time of judges and court staffs as well as of lawyers. Cases are calendared and reset time after time while witnesses and jurors spend endless hour just waiting.

If trials were promptly held and swiftly completed, and if appeals were heard without delay, this would be less a problem, and debates over preventive detention would probably subside. But these two Acts of Congress came in a period when other forces including decisions of the courts were making trials longer, appeals more frequent and retrials commonplace. We should not be surprised at delay when more and more defendants demand their undoubted Constitutional right to trial by jury because we have provided them with lawyers and other needs at public expense; nor should we be surprised that most convicted persons seek a new trial when the appeal costs them nothing and when failure to take the appeal will cost them freedom. Being human a defendant plays out the line which society has cast him. Lawyers are competitive animals and the American system encourages contention and often rewards delay; no lawyer wants to be called upon to defend the client's charge of incompetence for having failed to exploit all the procedural techniques which we have deliberately made available. Yet the best defense lawyers know that the defendant's best interests may be served in many cases by disposing of the case on a guilty plea without trial.

A new category of case was added when it was decided that claims of state prisoners testing the validity of a state conviction were to be measured by federal constitutional standards. As a result federal district courts were obliged to review over 12,000 state prisoner petitions last year, as compared with 89 in 1940.

There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post conviction procedures for their own state prisoners, this problem will largely disappear, and eliminate a major source of tension and irritation in State-Federal relations.

But there is another factor. It is an elementary fact, historically and statistically, that the system of courts—the number of judges, prosecutors, and of courtrooms—has been based on the premise that approximately 90% of all defendants will plead guilty leaving only 10%, more or less, to be tried. But that premise may no longer be a reliable yardstick of our needs. Changes in the laws that are part of what we lawyers call the "revolution in criminal justice," which began as far back as the 1930's, have brought this about. Anyone who questions these changes must recognize that until recently criminal law was the neglected stepchild of the Law. The consequence of what might seem on its face a small percentage change in the rate of guilty pleas can be tremendous. A reduction from 90% to 80% in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70% trebles this demand.

This was graphically illustrated in Washington, D.C., where the guilty plea rate dropped to 65%. In 1940 3 or 4 judges were able to handle all serious criminal cases. By 1968 12 judges out of 15 in active service were assigned to the criminal calendar and could barely keep up. Fortunately few other federal districts experienced such a drastic change, but to have this occur in the national Capital, which ought to be a model, was little short of disaster.

There is a widespread public complaint reflected in the news media, in editorials and letters to the editor, that the present system of criminal justice does not deter criminal conduct. That is correct, so far as the crimes which trouble most Americans today. Whatever deterrent effect may have existed in the past has now virtually vanished as to such crimes.

If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

The addition of 61 new federal district judgeships by Congress within recent weeks is the result of efforts which began 5 years ago. Since it takes time to fill these important positions and new judges do not reach peak efficiency at once, their full impact will not be felt for a long time. We see therefore that the additional judges, needed in 1965, were not authorized until 1970. We cannot solve our problems by meeting needs 5 or more years after they arise. The time to plan for 1975 and 1980 needs is now, and I hope this can be accomplished, not simply by adding more judges, but by the more efficient use of judicial manpower and greater productivity through improved methods, machinery, management and trained administrative personnel.

Meanwhile, not a week passes without speeches in Congress and elsewhere and editorials demanding new laws—to control pollution, for example, and new laws allowing class actions by consumers to protect the public from greedy and unscrupulous producers and sellers. No one can quarrel with the needs, nor can we forget that large numbers of people have been without the protection which only lawyers and courts can give.

The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads. This is dramatically illustrated in the current budget of the Office of Economic Opportunity. Congress has granted that program 58 million dollars for legal services. That 58 million is a sound commitment to an underprotected segment of our people whose rights have suffered because they could not afford a lawyer. Few things rankle in the human breast like a sense of injustice. Whether the problem is large or small in the abstract it is very large to the person afflicted. We should applaud Congress for taking that step. But cases cannot always be settled by lawyers and the burden thus falls on the courts. This allowance for Office of Equal Opportunity legal services is almost half of what is allowed for the operation of all the courts in the federal system. Here again we have an example of a sound program developed without adequate planning for its impact on the courts.

What this all adds up to is that for at least 50 years the federal court system has experienced the combination of steadily increasing burdens while suffering deferred maintenance of the total judicial machinery—and added to that, much of the machinery has long been obsolete. The foresight of Congress in creating the Federal Judicial Center for research and study of court problems 2 years ago is one of the few bright spots in the past 30 years.

Now we must make a choice of priorities. When we want to dance we must provide the musicians and the public may well be called upon to pay something more for the federal judicial system to increase its productivity. But neither costs nor the number of judges can be held down if the caseload is steadily enlarged.

To prepare for this report to you, I asked every federal judge for suggestions. The hundreds of replies reflected a note of frustration and even anguish at the daily management and administrative burdens that drained time and energy from their primary duty to dispose of cases. That was the common denominator and the common complaint. Federal judges are today in somewhat the position of members of Congress a generation ago, before the Reorganization Act which gave adequate staffs to the Members and to the important committee work of the Congress.

The business of litigation is highly complex. To assemble all the necessary individuals is not as simple as TV shows depict. It actually involves the very difficult task of bringing together a judge, 25 or more prospective jurors, lawyers, witnesses, court reporters, bailiffs and others, at the same place at the same time without lost motion. The absence or tardiness of a single person will delay the entire process and waste untold time. Countless citizens serving as jurors have been irritated with the inefficiencies of the courts because they find themselves watching TV in the Jurors' Lounge rather than hearing cases in court.

Modern court management calls for careful planning, and definite systems and organization with supervision by trained administrator-managers. We have at least 58 Astronauts capable of flying to the moon, but not that many authentic court administrators to serve all the courts in the state and federal systems. The federal courts need immediately a court executive or administrator for each of the 11 circuits and for every busy federal trial court with more than 6 or 7 judges. We need them to serve as the "traffic managers," in a sense as hospitals have used administrators for 40 years to relieve doctors and nurses of management duties. We are almost half a century behind the medical profession in this respect.

In basic principles, it is indeed essential that we maintain our links with the past and build carefully on those foundations because they are a result of thousands of years of human experience and the evolution of the law. There is great value in stability, predictability and continuity. But the procedures of the law ought to respond more swiftly—as hospitals and doctors, farmers and food distributors have changed their methods. Yet the major procedural change of this Century was the development of the Federal Rules of Civil Procedure a generation ago. Except for those Rules, Thomas Jefferson of Virginia, Alexander Hamilton of New York and John Adams of Massachusetts would need only a quick briefing on modern pleading and the pre-trial procedures in order to step into a federal court today and do very well indeed. We see, therefore, that the judicial processes for resolving cases and controversies have remained essentially static for 200 years. This is not necessarily bad, but when courts are not able to keep up with their work it suggests the need for a hard new look at our procedures.

If the picture I have been painting seems melancholy, I must in fairness touch on a few brighter sides—but sadly there are only a few.

In recent years the ferment stimulated by Roscoe Pound, Vanderbilt of New Jersey, Parker of North Carolina—to name only three now gone—has brought on widespread growth of Judicial Seminars, Institutes and Study Centers that have contributed much. We owe a great debt to my colleague, Justice Tom Clark, who has worked tirelessly on improvements in state and federal courts.

Perhaps one of the most significant developments in a generation is the creation this year—under the leadership of this Association—of the Institute for Court Management at the University of Denver. Here for the first time is a place where court administrators can be trained just as hospital administrators have long been trained in schools of business administration.

Sadly even these bright spots emphasize how painfully slow we are to supply what courts need. The price we are now paying and will pay is partly because judges have been too timid and the bar has been too apathetic to make clear to the public and the Congress the needs of the courts. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

As to the future I can do no more than emphasize that the federal court system is for a limited purpose and lawyers, the Congress and the public must examine carefully each demand they make on that system. People speak glibly of putting all the problems of pollution, of crowded cities, of consumer class actions and others in the federal courts. We should look more to state courts familiar with local conditions and local problems.

Let me list some major steps for the future—steps to begin at once:

1. The friction in relations between state and federal courts presents serious problems in both the review of state prisoner petitions and other cases. I strongly urge that in each state there be created a State-Federal Judicial Council to maintain continuing communication on all joint problems. Such a body could properly include a member of the highest state court, the chief judges of the larger state trial courts and the chief judges of the federal district courts. In some states such bodies have already been created on an informal basis.

2. State and federal judges should continue their cooperation with the appropriate Committees of the American Bar Association to establish standards of conduct of lawyers and judges that will uphold public confidence in the integrity of the system we serve.

3. We should urgently consider a recommendation to Congress to create a Judiciary Council consisting of perhaps 6 members, one-third appointed by each of the three branches of government, to act as a coordinating body whose function it would be to report to the Congress, the President and the Judicial Conference on a wide range of matters affecting the judicial branch. This Council could (a) report to Congress the impact of proposed legislation likely to enlarge federal jurisdiction; (b) analyze and report to Congress on studies made by the Judicial Conference and the Federal Judicial Center as to increase or decrease in case loads of particular federal districts; (c) study existing jurisdiction of federal courts with special attention to proper allocation of judicial functions as between state and federal courts; (d) develop and submit to Congress a proposal for creating temporary judgeships to meet urgent needs as they arise. (Some state legislatures authorize such appointments based on a formula of population and caseloads in order to adjust promptly to population changes in rapidly developing areas.); (e) study whether there is a present need for three-judge District (trial) Courts and whether there is a present need for federal courts to try automobile collision cases simply because of the coincidence that one driver, for example, lives in Kansas City, Kansas, and the other in Kansas City, Missouri.

4. The entire structure of the administration of bankruptcy and receivership matters should be studied to evaluate whether they

could be more efficiently administered in some other way. (Pending studies on this problem should be pressed to conclusion.)

5. Over the years various statutes and decisions of courts have altered many aspects of criminal procedure. Meanwhile some of the states have experimented with innovations and have developed new procedures to improve justice. Since Congress is now considering an entirely new federal criminal code we should soon undertake a comprehensive re-examination of the structure of criminal procedure to establish adequate guidelines reflecting adjustment both to the new code and judicial holdings.

6. The system of criminal justice must be viewed as a process embracing every phase from crime prevention through the correctional system. We can no longer limit our responsibility to providing defense services for the judicial process, yet continue to be miserly with the needs of correctional institutions and probation and parole services.

7. The whole process of appeals must be re-examined. It is cumbersome and costly and it encourages delay. Some courts, notably the overworked 5th Circuit, have developed procedures to screen out frivolous appeals. Finality at some point is indispensable to any rational—and workable—judicial system.

8. We made a wise choice in guaranteeing a lawyer in every serious criminal case but we must now make certain that lawyers are adequately trained so that the representation is on a high professional basis. It is *professional* representation we promise to give—nothing more—and within accepted standards of conduct. This Association has now provided lawyers for the first time with comprehensive and authoritative standards and it is now up to the courts and the Bar to make sure they are followed.

I have necessarily left some subjects untouched and others undeveloped but I hope I have imparted a sense of urgency on the problems and needs of the courts. I hope also I have made my point that it is not simply a matter of more judges but primarily better management, better methods and trained administrative personnel.

A sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people. Three things could destroy that confidence and do incalculable damage to society.

One is that people come to believe that inefficiency and delay will drain even a just judgment of its value.

One is that people who have long been exploited come to believe that courts cannot vindicate their legal rights from fraud and over-reaching in the smaller transactions of daily life.

One is that people come to believe that the Law—in the larger sense—cannot fulfill its primary function to protect them and their families in their homes and on the public streets.

I have great confidence in our basic system and its foundations, in the dedicated judges and others in the judicial system, and in the lawyers of America. Continuity with change is the genius of the American system and both are essential to fulfill the promise of equal justice under law.

I ask your help to see to it that this is done.

WHERE IS THE GENEVA PROTOCOL?

Mr. PELL. Mr. President, 8 months ago I was among the many Senators who lauded the President for his decision to seek Senate ratification of the 1925 Geneva protocol banning first use of chemical and biological weapons.

As of this date the President has not seen fit to forward the protocol to the Committee on Foreign Relations for its consideration. I am sure the President is aware of the many measures which the Senate must act upon in the closing days of this session. If the Foreign Relations Committee is to be able to give adequate consideration to this excellent treaty I do not believe the presentation of the treaty to the Congress can be delayed any longer. Any further delay in the presentation of the Geneva protocol, which has been ratified by 84 nations, will cause, I fear, an extreme embarrassment for the United States in international affairs.

Mr. President, I ask unanimous consent that an editorial on this subject, published in the New York Times of July 24, 1970, be printed in the RECORD.

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

EMBARRASSING INACTION

President Nixon earned considerable domestic and foreign applause last November when he announced his decision to seek Senate ratification of the Geneva protocol banning first use of chemical and biological weapons. The failure of the United States to endorse the 1925 treaty, which Americans helped draft, has been an international disgrace for 45 years.

But eight months after Mr. Nixon made his promise, the White House still has not sent the protocol to the Senate for action. The apparent reason for this unconscionable delay is the Administration's reluctance to forgo the use of tear gas and herbicides.

When the President made his original announcement, White House aides contended that the protocol did not cover these agents, which have been widely used by United States forces in Indochina. But a majority of the 84 nations that have already ratified the agreement believe tear gas and herbicides are included. So do 80 members of the United Nations General Assembly who so voted last December.

By failing to seek speedy Senate approval of the Geneva protocol without exceptions, the Nixon Administration is defying clearly expressed world opinion and, according to Ambassador Charles W. Yost, is creating profound embarrassment for its delegation at the United Nations. The United States Government's inaction on the protocol fosters the impression that it intends to continue to utilize methods of warfare in Indochina that have been widely condemned at home and abroad and which should have been abandoned long ago by a nation that prides itself on its adherence to humane standards of conduct.

This failure to make good on a Presidential pledge is especially shocking on the part of an Administration that has repeatedly emphasized the importance of maintaining the credibility of American promises abroad.

TRIBUTE BY SENATOR McCARTHY TO DAN AND DORIS FLEESON KIMBALL

Mr. FULBRIGHT. Mr. President, the distinguished Senator from Minnesota (Mr. MCCARTHY) delivered a sensitive and moving tribute to Dan and Doris Fleeson Kimball on August 3 at the Navy Chapel.

Dan and Doris Kimball were friends of many Members of this body, who I am sure will appreciate the remarks of Senator MCCARTHY.

I ask unanimous consent that the Senator's remarks be printed in the RECORD.

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

EULOGY OF DAN KIMBALL AND DORIS FLEESON KIMBALL

(BY SENATOR EUGENE J. MCCARTHY)

In medieval times, the carvings on many doors carried these words in consideration of life and death: "I wonder why I am of such good cheer."

While considering the lives of Dan Kimball and Doris Fleeson and their deaths, we might ask the same question and respond affirmatively that we can be of some good cheer.

To speak here today and to speak well is not a very serious challenge. One need make no apologies for their lives. One need not speak with reservation. The only challenge is to present the integrity and the purity and the kind of absoluteness that marked the lives of these two people.

Dan Kimball was an American, made by America, and contributing to the making of America. A man of great optimism, he looked upon this world which God had made and found it good. He looked upon business and industry as a genuine profession, carrying with it personal privileges but also deep social obligations.

He served his country's needs in peace and also its needs in time of war. And in more recent years, carrying that same sense of obligation and of profession one step farther—an example I hope will be followed by many—he saw the special needs of this country: the needs of its poor and of its denied. He was among the first and the most effective of those who said we must take business and industry to the people. His project in Watts, I believe, will become a model for this nation. He did not stop with concern for domestic needs, but in another great and forward-looking commitment his last great effort was that of establishing a technical university to meet the needs of the people of Morocco. This is the public and private record of Dan Kimball.

Doris Fleeson looked upon this same world and found it good but also judged that it could be made much better. And so she considered her calling in journalism to tell this world what was wrong with it and who was wrong and to suggest in terms that no one could misunderstand what she thought ought to be done.

She was the master of her profession. She knew the craft of writing but she did not stop short at that mastery but studied what it meant to be a reporter, spurning the background briefing, refusing to accept any special consideration because of her special talents or because she was a woman. Respect for the integrity of her craft and her profession marked her entire life.

These are the records of two persons, separate and in different fields, each deserving tribute and praise.

There was another aspect of their lives—that of their marriage and of their life together. This living together was not a simple addition of two lives. It was not an arithmetic matter of one plus one. A very special condition, almost a new kind of person, emerged from their marriage. They did not manifest toward each other just compassion and respect—something more than that, a love of a deeper kind that can best be described as reverence. And I can think of no words that come closer to describing that relationship than three or four lines from a poem by William Butler Yeats. In one of his poems he wrote of the relationship of a man and a woman as being perfected in these manifestations:

"the hourly kindness, the day's common speech
the habitual content of each with each when neither soul nor body has been crossed."

Those of us who knew either of these two persons separately have been in a special way favored. Those of us who knew both of them, although separately, have been in a special way doubly favored. Those of us who knew them together have been most singularly blessed.

A theologian in a recently written text raised these two questions. "We do not know," he said, "whither we go or why we are here." The question of whither we go or whither they go or where they go is still unanswered, but I think that all of us here know what they did know, which is why they were here.

ADDRESS BY ADM. BEN MOREELL

Mr. DOLE. Mr. President, a distinguished former military engineer recently addressed the Society of Military Engineers at Fort Myer, Va.

Adm. Ben Moreell is perhaps best known as "King Bee of the Seabees," for his role in organizing and directing the famous fighting construction branch of the Navy during World War II. His naval career spanned two wars and 31 years. Following his retirement from the Navy in 1946, he became associated with the Jones & Laughlin Steel Corp., and since retirement from that career, he has maintained an active interest in world and human affairs.

He shared several observations on the past half century of engineering with his fellow military engineers at their society's 50th annual meeting on May 15. He spoke of engineering in the broadest sense, and of engineers in terms which encompass their total role in building and directing society. His ideas are fresh and stimulating, and I believe they merit the thoughtful attention of the Members of this body.

I ask unanimous consent that Admiral Moreell's remarks be printed in the RECORD.

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

FIFTY YEARS OF ENGINEERING BY ADM. BEN MOREELL, CEC, USN (RETIRED)

In 1844 the United States Commissioner of Patents declared that our economy was "substantialy mature" and predicted "the arrival of that period when human improvement must end."

Forty-two years later, in 1886, Carroll D. Wright, the first U.S. Commissioner of Labor, stated, "Industry has been enormously developed, cities have been transformed, disances covered, and a new set of economic tools has been given in profusion to rich countries and, in a more reasonable amount, to poorer ones. What is strictly necessary has been done. There may be room for further intensive but not extensive development of industry in the present area of civilization."

In 1933, forty-seven years later, President Roosevelt said: "We have enough factories to supply all our domestic needs, and more, if they are used. With these factories we can now make more shoes, more textiles, more steel, more radios, more automobiles, more of almost everything that we can use . . . Our industrial plant is built . . . Our task now . . . is not producing more goods . . . it is the soberer, less dramatic business of administering resources and plants already in hand."

Thus spoke the cultists of the "mature economy," with firm conviction and, as proved by later events, with maximum error. Even as recently as 37 years ago, it appears that our government officials were not aware that man's wants are insatiable. Man has certain basic needs, but once these are taken care of men seek the things of culture—goods of the mind and spirit, and the leisure to enjoy them. And when men are free to exercise their ingenuity and skills, they find ways to produce fantastic luxuries which soon become commonplace necessities. Those prophets of economic stagnation I have quoted were convinced that our sole problem was to devise equitable methods of "dividing up the pie" already on hand. They were wrong. The mainspring of our economic progress consists in making an ever larger pie by expanding the scope and variety of our technological, social and economic resources.

THE MAKING OF THE NEW DEAL

It is pertinent to note an important difference between the statement of Commissioner Wright in 1886 and that of President Roosevelt in 1933. The former was offered as an opinion for public consideration, to be acted upon as individual judgments might dictate; the latter was derived from the President's conclusion that "in our generation a new idea has come to dominate thought about government—the idea that the resources of the Nation can be made to produce a far higher standard of living for the masses if only government is intelligent and energetic in giving the right direction to economic life."

Here we have the key to the "New Deal" and to the several "deals" which have followed. To the erroneous doctrine of "economic maturity" is joined the coercive policy of "government intervention."

All the power and prestige of the Executive Branch and, so far as the President could influence them, of the Legislative and Judicial Branches, would be directed toward maximizing consumption as opposed to increasing production; encouraging widespread distribution as against capital formation; promoting dependence on government guaranteed security as against freedom of competitive enterprise.

OUR HERITAGE AND ITS FRUITION

My subject is "Fifty Years of Engineering." This might imply that one can draw a sharp line of demarcation between engineering developments prior to 1920 and those which came later. This is an impossible task. For all human progress is founded on the cumulative achievements of countless toilers who, over the ages, have contributed to the vast store of knowledge from which we engineers draw our intellectual inspiration and our technological sustenance. Were it not for the labors of those predecessors, our progress to date in science and technology, as well as in many other areas, would have been impossible. Starting with the invention of the wheel about 4500 years ago and proceeding through the long ages to our present era of sophisticated technology, the record of material progress constitutes an accounting of our debts to our scientific and technological forebears.

I freely concede that during the period from 1920 to 1970 the cumulative efforts of our professional ancestry have come to fruition in far greater profusion than during all of prior recorded history. Nor would I detract from the great credit due our contemporaries and those of the preceding generation for their magnificent contribution to this achievement. We are fully justified in pointing with pride to such developments during the past half-century as the harnessing of the atom; jet propulsion; greatly improved communication by means of telephones, satellites, radio, television, laser beams and others; computer science and electronic data processing; space exploration; oceanography; transportation by air, land and water; development of new materials and revolutionary improvements of old ones; missiles and rockets; advanced techniques in the design, construction, operation and maintenance of engineering structures; and vastly improved management procedures which make possible the effective applications of these and many other developments.

This has been an epoch of brilliant advances in science and technology. And just as we cannot draw a sharp line to mark its beginning in 1920, so should we not assume that it will end in 1970.

THE AMERICAN WAY OF LIFE

But we must be aware of certain hazards which accompany this progress and which seem to be multiplying.

Our American productive machine is highly mechanized. This is true not only of the business and industrial sector but also of our agricultural production. This system provides livelihoods for 205 millions of our own people and helps support and protect much of the rest of the world.

How does one account for this nation's amazing capacity to produce? Our people are no more talented than those of the countries whence they came. Our country is no more favored with natural advantages than many others. Furthermore, our resources lay for centuries relatively unused, supporting fewer than a million inhabitants. Now, our six per cent of the world's people produce about fifty per cent of the world's goods.

Wherein do we differ from others? The significant difference is that there was established here a governmental system whose mechanisms were designed to minimize coercive force and release the creative energies of individuals.

The fundamental of fundamentals of the plan for living in these United States, which has become known as the American Way of Life, was an economically independent citizenry supporting and controlling a government so limited and confined by a written Constitution that the age-old political trick of controlling people's lives under the guise of a concern for their welfare could never be pulled in America. There was to be a new order of things in which men should be free. But this reckoning failed to take into account some of the loopholes in that Constitution and the ingenuity of demagogues in taking advantage of them.

The resulting erosion of freedom of choice and productivity can be shown by a few brief statistics.

If I had the power to appropriate 100% of the products of your labor—returning to you the minimum deemed necessary to sustain your life and productivity—you would be my slave. Slavery is the condition of any man forced to work on another's terms.

How close to this condition have we come—with millions of Americans forced to join a union before they can hold a job, other millions affected by partisan legislation dictating the terms on which they may work, all of us turning over to government an increasing portion of our earnings?

TRIBUTE EXACTED BY GOVERNMENT

This Nation was founded on the principle of a limited government. And judging from the costs of government, it operated that way throughout all of its earlier history. But progressively more and more of the people's incomes have been taxed away by government, especially over the past several decades. This reduces the area over which the individual can exercise his freedom of choice to spend his income as he pleases. An increasing percentage is spent as officialdom dictates.

Prior to the Civil War the federal government took between 1 and 2 cents from each dollar of personal income; all levels of government took less than 5 cents.

From the Civil War to World War I the

government took about 9 cents, consistently. During the twenties it took about 13 cents.

In 1930 began the first sizable peacetime increase in our history which ran the figure up to about 25 cents—double the level of the twenties, triple the 1870–1916 level and five times the level that prevailed prior to the Civil War.

By 1946 the figure had increased to 31 cents; in 1965 it was calculated at 41 cents; and recent studies have placed the figure at 42 cents. This means that the "average" individual citizen has lost freedom of choice in the spending of almost half of his income.

The growth of annual *per capita* taxation by the federal government runs a parallel course. The Tax Foundation has published these figures:

1800	$1.92
1850	1.75
1900	7.07
1930	29.78
1940	43.56
1950	268.32
1960	527.60

For 1970 the Statistical Abstract estimates that the annual per capita federal tax will be approximately $1,000.

The opposite of freedom is slavery; and everyone declares in favor of freedom. But "What is essential to the idea of a slave?" asked Herbert Spencer in his great book *Man vs. The State*. He goes on to answer his own question: "We primarily think of him [the slave] as one who is owned by another. To be more than nominal, however, the ownership must be shown by control of the slave's actions—a control which is habitually for the benefit of the controller. That which fundamentally distinguishes the slave is that he labors under coercion to satisfy another's desires. . . . The essential question is—how much is he compelled to labor for other benefit than his own and how much can he labor for his own benefit?"

When our country was young its citizens worked for their own benefit. Now that the tax take on the average is 42 cents out of every dollar earned, the "average" citizen works only 58% of the time for his own benefit. And the trend of the figures I have quoted is clearly upward.

Today the greatest threat to personal liberty everywhere arises, not from aggressions by other nations, but from encroachments by governments upon the rights of their own citizens. If, overnight, all governments were compelled by some higher power to confine their activities solely to the protection of the lives, limbs, liberties and honestly acquired property of their own citizens the world would enter upon an era of peace, productivity and spiritual and material prosperity. It is when those who control governments induce their citizens to support ambitious schemes for extension of their power on the international scene that controversy and wars result. It is clear that to avoid such disasters the constitutional limitations on the powers of government must be strictly enforced by the weight of an informed public opinion.

THE ENGINEER'S RESPONSIBILITY

The great conflict of our day is between coercion of the individual and suppression of his creative energies by his own government on the one hand, as opposed to freedom of the individual, acting voluntarily in obedience to the restrictions of God's moral code, on the other.

In this conflict engineers have a unique responsibility because their education, training and experience teaches them the importance of fixed principles and immutable laws and the dangers which flow from ignoring or disobeying them. For example, the engineer knows that in electricity he is dealing with a powerful force which operates according to certain laws. It is his duty to know those laws. He knows that electricity, uncontrolled, can destroy and kill. But when controlled and directed in conformity with the laws of nature it can be a powerful servant to mankind.

The engineer is, therefore, especially qualified to understand and to help others understand the great fundamental truth which is being ignored in human affairs today; that there are similar fixed and unchanging principles governing human nature and human relations in life on this planet. The forces of human nature, like those of the physical world, may be constructive, creative and so directed that they will help build a better life for all; or they can be destructive and disintegrating, even to the extent of destroying the physical as well as the spiritual structure of a great civilization.

Jose Ortega y Gasset, the great contemporary Spanish philosopher, has pointed up the peril of ignoring the great moral and spiritual laws of which I speak. He said:

"I wish it would dawn upon engineers that in order to be an engineer, it is not enough to be an engineer. While they are minding their own business, history may be pulling the ground from under their feet.

"People believe modern technology more firmly established in history than all previous technologies because of its scientific foundations. But this alleged security is illusory.

"Indeed, it is just this feeling of security which is endangering western civilization. The belief in progress, the conviction that on this level of history a major setback can no longer happen, and the world will go the full length of prosperity, has loosened the rivets of human caution and flung open the gates for a new invasion of barbarism." (Toward a Philosophy of History, pp. 103–105).

Ortega has thus described the issue dramatically. We are too sure of ourselves, too complacent in a time of great danger. We place too much reliance on our technical skill, our command of natural physical forces and energy, and our matchless ability to produce. Intoxicated with pride in our achievements, immersed in the interesting problems still unsolved, we have left unguarded the gates through which are pouring those destructive hordes and forces of that "new invasion of barbarism" to which Ortega refers.

The laws, the fixed and basic principles governing the development of the individual and his society are as old as civilization. Indeed, some of those principles had to be discovered and practiced before man could start on his long journey from his status as a predatory animal toward the still far distant goal of human perfection. Those unchanging spiritual and moral precepts, designed by the Creator, discovered by inspired prophets of mankind, stated and restated for man's guidance through the ages, include the fixed moral absolutes of the Ten Commandments, the Sermon on the Mount and the Golden Rule. These, in turn, require that if a man wishes to be free to use his faculties as he may choose he must accept personal moral responsibility for the manner in which he uses them.

The creative urge, implanted by God in all normal human beings, thrives under liberty. But liberty is possible only when individuals are self-reliant and conduct themselves toward each other in a climate of mutual respect and encouragement of those human qualities and forces which stimulate growth and maximum individual development. Dr. Felix Morley, noted political economist and author, states the case concisely in his book, "The Power in the People." He wrote:

"When the American people have been self-reliant, mutually helpful and considerate, determined in their mistrust of political authority, this nation has been 'in form;' its tradition alive, its contribution to civilization outstanding."

TO PERPETUATE OUR MATERIAL BLESSINGS

It is clear from the foregoing that the material blessings we Americans have been enjoying are not self-perpetuating. They are premised on certain spiritual and cultural values which this generation did not create, which it inherited and, as the record clearly shows, which it is losing. We are living off our capital. That is the quickest way to go bankrupt in business. And I am sure the stability of our social structure cannot long outlast the exhaustion of our spiritual and cultural capital.

I have spoken to you as an engineer. I have stated that the engineer's responsibility to the social order is magnified because of his education, training, experience and his indebtedness to his professional forebears. I have voiced my conviction that only as we contribute to the creation and maintenance of a climate conducive to social progress can we discharge the responsibilities imposed upon us when we entered our profession. In the larger sense, when we accept the emoluments and prerequisites of that profession, we enlist as servants of society. If we are true to our heritage we must discharge our obligations as engineers and as citizens and, by our example, show the way for others who cry out for moral leadership in this time of national peril.

Without such dedication to the eternal verities of a free society, the tourist guides of some future generation may recount, to their wide-eyed charges, the story of how "pyramids," of great cost and no utility, were built by the engineers of the 20th Century!

AFL–CIO SUPPORTS NATIONAL HEALTH INSURANCE; COMMITTEE OF 100 ADVOCATES NATIONAL HEALTH INSURANCE

Mr. YARBOROUGH. Mr. President, as the cost of medical care continues to rise, public interest is growing in general medical insurance for the whole population.

One such plan has been developed by the Committee of 100, of which I am a member. As chairman of the health subcommittee of the Senate, I support and am working for a national health insurance.

A somewhat different one has been put forward by the AFL–CIO and introduced in legislative form by Congresswoman MARTHA GRIFFITHS, of Michigan.

In an interview on Labor News Conference, a legislative representative of the AFL–CIO discussed these proposals. He is Clinton Fair, and he was interviewed by Jerome Brazda, of the Washington Report on Medicine and Health, and Tom Joyce, of Newsweek magazine.

As Mr. Fair points out, the significance of these two measures lies not in their minor differences, but in the attack both of them make on the staggering burden of health care for the uninsured family.

Because the subject of national health insurance is a major public issue and will remain so until legislation is enacted, I ask unanimous consent that the interview with Mr. Fair of July 28, 1970, on the Mutual Broadcasting System, be printed in the RECORD.

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

LABOR NEWS CONFERENCE, MUTUAL BROADCASTING SYSTEM, JULY 28, 1970

Subject: Meeting the National Health Crisis.
Guest: Clinton Fair, a legislative representative, AFL–CIO.
Reporters: Jerome Brazda, editor of Washington Report on Medicine and Health, Tom Joyce, Washington correspondent for Newsweek magazine.
Moderator: Frank Harden.

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Clinton Fair, a legislative representative for the AFL–CIO.

In the view of the AFL–CIO, every American should be guaranteed all of the best possible health care he needs, regardless of age or financial circumstance. Rapidly escalating medical and health care costs, over-burdened health and hospital facilities and a shortage of the educated, trained and skilled personnel needed to provide high quality health and medical care are some of the major problems that must be solved before America's health care goals can be reached. Here to question Mr. Fair about the nation's health care needs and what organized labor feels can and must be done to meet them, are Jerome Brazda, editor of Washington Report on Medicine and Health, and Tom Joyce, Washington correspondent for Newsweek magazine, our moderator, Frank Harden.

And now, Mr. Brazda, I believe you have the first question?

BRAZDA. Mr. Fair, a year ago, President Nixon said the nation faces a health care crisis. During the past 12 months, what significant steps, in your view, have been taken to meet this crisis?

FAIR. Well, Mr. Brazda, the most significant thing was done by the Congress—and that was passing the Hill-Burton Act and overriding the President's veto a few weeks ago.

The 1970 Hill-Burton Act, in its concept, is broader now than ever before in the history of the Hill-Burton Program. It now provides—in addition to the rural priorities—it provides for the construction of various kinds of facilities with a priority to the urban ghettos. It gives a priority to the rural poor. It includes the type of facilities that we think can bring about a better system for the delivery of medical and health services in our country.

BRAZDA. What would you say are our national health needs?

FAIR. Well, our national health needs, I suspect, ought to be put into a framework.

First, we do need additional facilities in- and out-patient facilities.

We need additional programs for home care.

We need high standard care beyond actual hospital care.

We need to place more doctors in the urban areas and the poor areas.

We need more doctors in the rural areas.

We've had a very peculiar change in our country, concerning the primary physicians. More and more students today—medical students—are in the field of the specialities. As a result, the general practitioner, who could take care of probably 75 percent of all of the medical needs of families without putting them into hospitals—through out-patient clinics and office calls—are now in marked demand.

So our system is probably as important in the distribution of the delivery of our health care systems and services, as anything.

In addition, there are marked needs for para-medical personnel. According to the authorities, we are short of medical practitioners. Depending on who looks at it and the system they use to look at the problem, that shortage can run as high as 50,000.

BRAZDA. Would you say then that we're still in the middle of this crisis?

FAIR. Indeed I would.

JOYCE. Mr. Fair, a bill providing for national health insurance is now before the Congress. Could you tell us what would satisfy the AFL-CIO, in terms of a program of national health insurance?

FAIR. Well, a program for national health insurance must cover first, comprehensive care of high quality.

Two, it has to have—in order to get quality care—a marked change in the form of delivery of health services.

Three, it must be available to all persons, no matter whether they are poor or rich.

We look at the bill which Congresswoman Griffiths (D-Mich.) has introduced—H.R. 15779—as a bill which brings medical care or health care to all of our society.

Mr. Whitney Young of the Urban League pointed out the other day, it's not for the poor, it's not for minorities, it's for everyone, and this includes working people, middle-class people—every category—it covers all of them.

That bill also provides dental care for young people up to the age of 16—and we think that is necessary.

JOYCE. Mr. Fair, the idea of national health insurance has been kicking around the halls of Congress since the 1930's. Why do you think that it has a chance now, when it was defeated so many times before?

FAIR. There is an awareness within the country today that the costs of medical care have been increasing very rapidly.

People are aware of the need for change. I have never seen as many articles on health care—and in as many kinds of magazines—as has been the case in this last year. That includes magazines ranging from the "New Republic" to "Fortune Magazine." Many magazines have been carrying articles on health care.

And people are talking about national health insurance.

Now, there are various kinds of bills in. But there is a consciousness, because of the rising cost—probably stemming from the Medicare and Medicaid laws. This awareness has grown—people have become more aware of the need.

JOYCE. Would you say that passage of this legislation will be one of your biggest legislation endeavors this year?

FAIR. Yes, and not only this year, but until we get it, if it doesn't pass this year.

The AFL–CIO Executive Council has spoken. The last Constitutional Convention of the AFL–CIO has spoken on the issue. The directions are toward using all of the services of the AFL–CIO departments to bring about a national health insurance program.

BRAZDA. Mr. Fair, the bill that Mrs. Griffiths put in was, of course, the AFL–CIO bill. You are aware, I assume, that a Committee of 100 for National Health Insurance, which was founded by the late President Walter Reuther of the United Auto Workers, also has come up with a proposed bill which, Senator Kennedy (D-Mass.) is expected to put in shortly. Have you had a chance to examine this bill? If so, how does it compare with yours?

FAIR. We have not had an opportunity to examine the bill. We understand that the bill has not yet been drafted.

However, we have seen the prospectus for the bill, which carries the various programs that they intend to have in the bill. In substance, they are not very different. A comparison shows some strengths in their programming. Some of the strengths that we see in Mrs. Griffiths' bill, we think, are better than those in the program projected by the Committee of 100.

However, there is no philosophical difference, and I don't see any basic difference between the two programs. There may be differences in small matters—how much money must be allocated here, some in programming, some in payments.

But, the general outline of both bills is fairly close.

BRAZDA. Is there a possibility then that these two labor groups, the AFL–CIO and the UAW, might get together toward the common goal of national health insurance?

FAIR. Oh, yes. Recently, President Woodcock of the United Auto Workers, met with AFL–CIO President George Meany, and insofar as pushing the bill on the Hill is concerned, there is an agreement to work together.

JOYCE. Mr. Fair, critics of national health insurance have argued that this would further burden our already over-taxed medical facilities. How would you answer such a charge?

FAIR. If we think that a national health insurance program would deliver health services in the same way that they are delivered today, I think that would be true.

On the other hand, let me point out to you that where pre-payment group practice has been utilized—and this is with regard to taking a look at Permanente and Kaiser Plan, as well as the federal plan for insuring our federal employees—where they have used pre-paid practice plans, hospital days used are only one-half as great as under the ordinary type of plan used today.

Mrs. Griffiths' bill includes such pre-paid plans.

We can see that there is much to be saved by using a different type of delivery.

The conclusion that we do not have adequate facilities to provide for national health insurance today, is not an established fact. The important thing is to take a look at it in a different framework of reference than they are doing.

JOYCE. Most employers, Mr. Fair, or at least most major employers, now pay all or part of private health insurance programs. Under a national program, do you think that employers would be paying more or less than they are paying now?

FAIR. It will vary. Employers who have very expanded programs would not be paying more. But in many plants, the health care programs are very inadequate. In those cases, it would be more—more would have to be allocated by the employer, under Mrs. Griffiths' bill, for health care.

BRAZDA. The American Medical Association has put forward its own proposal, which is being reintroduced into Congress. They call it "Medicredit." This would rely on a system of tax credits to purchase health insurance through existing health insurance companies for individuals. How do you feel about this idea?

FAIR. Well, it falls short in a number of respects.

First, it will not bring about any improvement in the delivery of health services. There is no way of enforcing quality in that kind of program.

Secondly, there is no way to hold costs within line in that program. As a result, as to the question, for example, which Mr. Joyce asked just a few minutes ago, do we have adequate facilities? "We" would not have adequate facilities under that kind of program.

BRAZDA. Do you feel that the existing insurance companies should be used, or, do you think that our present health insurance system—mainly, the use of the Blue Cross and Blue Shield plans—has to be scrapped or modified?

FAIR. It depends on how they would be modified.

For example, under Mrs. Griffiths' bill, if three counties wanted to use a Blue Cross plan, and Blue Cross would bid to provide medical care on a per-capita basis—provide

health treatment in that area—it could continue to exist.

But, whether or not they can adjust to that kind of program, I can't say. As we know Blue Cross and Blue Shield today, it is not contemplated in Mrs. Griffiths' plan.

BRAZDA. How important do you see the role of consumers in local advisory groups, and national advisory groups, for various health insurance plans?

FAIR. Obviously, there is always a place for the consumer on an advisory council.

In Mrs. Griffiths' bill, they separate the professionals from the consumers, on the grounds that they have different problems.

The professional advisory council would be made up of professional people. The consumer council would be made up of an entirely different group.

Most health planning groups, as you know—and especially facility planning—regional health planning groups—are made up of professionals, as well as consumers.

We find that good.

But, we do not find that it has a similarity to a national health insurance program.

JOYCE. Mr. Fair, under Mrs. Griffiths' bill, there is a provision for payment, partly by the employer, partly by the worker. Do you think that this would figure into negotiations, should the bill become law?

FAIR. Yes, I think it would.

Under Mrs. Griffiths' bill, as you know—as it's going to be proposed next January—there is an employer contribution of 3½ percent of payroll, there is a matching contribution from the federal government—from general revenues—and a one percent contribution from the employees—or the consumers. Her bill provides that if unions and managements wish to negotiate in that area, they can certainly do so.

BRAZDA. Mr. Fair, environmental improvements—air and water pollution, on-the-job safety, many other considerations—also are involved in the national health problem. How would these be met by your proposal?

FAIR. Well, in the field of occupational health and safety today, injuries in those areas are covered by workmen's compensation.

Under Mrs. Griffiths' bill, the cost of workmen's compensation—medically—would be picked up by the program.

Employers would save somewhere between $600 and $700 million, in that area alone.

BRAZDA. You spoke about the high quality of the recent Hill-Burton authorization bill—the one that President Nixon vetoed—which was subsequently passed over his veto. This is, of course, an authorization bill, which is fine. At the present time however, Congress is having some problems coming up with enough money to fund these programs. What are we going to do about this?

FAIR. As you know, that appropriation is now under consideration. An effort will be made on the floor of the House of Representatives to restore a substantial amount of the money to the appropriation, in order that the program can go forward as quickly as possible.

JOYCE. Mr. Fair, as you know, the costs of medical care have been rising faster than any other single item in the Consumer Price Index. How do you explain this phenomenon?

FAIR. I would offer two explanations.

One, with the passage of Medicare and Medicaid, there was a great demand by people who were unable to afford the programs themselves—a great demand by them for the health care they needed. There was a backlog.

This caused tremendous pressures and increased costs substantially.

But secondly, the very nature of our delivery of health care services—on the fee-for-service-basis—in itself, also added to the cost. Let me give you an illustration.

We talk about "usual and customary" the doctors' fees. Here is a doctor practicing in a low-income area. His patient is now under the medicare program. Across the city, in a high-cost area, another doctor has much higher fees.

Many of the doctors in the low-income areas just simply raise their fees, because they were providing the same kind of service.

And third, of course, is that in the hospital area—which has been the fastest-rising cost in health services—workers have always been underpaid and there has been an improvement—not as much as there should be—in their salaries.

But also, the introduction of very expensive equipment—sometimes over-duplicated—has added very substantially to the cost of a hospital room.

Now, I think that those are the main elements in the rising costs.

JOYCE. Basically, you are talking about the law of supply and demand, in terms of medical fees. Would that not also be the case, if we had a program of national health insurance?

FAIR. No, in national health insurance, under Mrs. Griffiths' bill, payments are on a per-capita-agreement-basis.

By that, I mean, if there are to be a thousand patients, it's so much for the care of each patient, having nothing to do with each individual case.

For example, in the San Joaquin Foundation Program, they are already doing business on a per-capita basis. And doctors, the more they keep them out of the hospital, the less costly the procedures—except when necessary. This results in a reduction of costs.

BRAZDA. Mr. Fair, you are an experienced man in Washington, having spent many years on Capitol Hill. What's your realistic assessment of the chances of passage of national health insurance this year or next?

FAIR. Not this year, and maybe not next.

But, I will say this to you, it will come faster than Medicare did. And with Medicare, as you know—the Forand Bill—was introduced in 1957. The bill passed in 1965. I don't think National Health Insurance is going to take that long.

JOYCE. Would you buy a gradual approach—a piece at a time—a program to be amended and added to later?

FAIR. I just don't know—I've not weighed it that way.

JOYCE. Mr. Fair, how does the U.S. health care rate compare with other major western nations?

FAIR. On the basis of individual care, I think ours will rate with any country in the world, provided you get the care.

What's happened here, is that in many areas—among the rural poor and in the urban areas—the care has not been provided.

Therefore, our statistical figures do not rank well with many other countries.

The differences are in the availability of the care. If you can't afford it—if you are on a farm and you can't afford it—there is no way you can get it.

This is why we have a higher rate of deaths at birth and why we don't live as long as people do in other countries, where health care is available to everybody.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was Clinton Fair, a legislative representative for the AFL–CIO. Representing the press were Tom Joyce, Washington correspondent for Newsweek magazine and Jerome Brazda, editor of Washington Report on Medicine and Health. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

MUTUAL ANNOUNCER. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

CORDELIA MAKARIUS: A CAREER OF LOYALTY AND DEDICATION

Mrs. SMITH of Maine. Mr. President, Cordelia Makarius retired from the Senate on July 31 after many years of loyal and dedicated service to the United States, the U.S. Senate, the Republican Party, and the Senate Republican Conference.

Her retirement must surely create a great void in the Senate, because we have grown to be quite dependent upon her intelligence, wisdom, and energy.

Corde's outstanding record of public service, spanning a total of 25 years, 7 months, and 22 days, began during World War II. Prior to that conflagration, Corde established an enviable record as a newspaperwoman, a magazine editor, and as a public relations director. As the males of her family went off to war, Corde felt she, too, must join the national cause. There followed distinguished service with the Corps of Engineers and the Transportation Corps which saw her rise to the position of chief technical editor for sorely needed operations manuals.

With the cessation of hostilities, Corde joined the speakers bureau of the Republican National Committee. Her writing and executive abilities gained widespread acceptance in the political world leading to a demand for her services on the Hill. She loyally served three Members of the House of Representatives before coming to the Senate in 1953.

Here, she has earned renown as a quality writer, as an ardent worker, and as one who deeply understands the political process. She has brought honor to the status and reputation of women, not only through her superlative performance of official duties, but also by exemplary efforts in local government, local politics, and social institutions vital to the well-being of our society.

Corde is a compassionate person always willing to lend a hand, and she is affectionately known as Miss Corde to the scores of Hill staffers who have sought her advice and help.

Corde, we shall miss your optimism, your unfailing good humor, and your wise counsel. We salute you upon your well-deserved retirement.

STATEMENT OF DISSENT BY JOSEPH D. KEENAN FROM PRESIDENT'S TASK FORCE ON LOW-INCOME HOUSING

Mr. MONDALE. Mr. President, Joseph D. Keenan, who served as a member of the President's Task Force on Low-Income Housing, felt compelled to file a strong statement of dissent from the committee's report toward better housing for low-income families.

Mr. Keenan knows whereof he speaks. For many years he has represented the public interest in furthering sound housing policies and has forthrightly advocated constructive housing plans and policies on behalf of organized labor.

Mr. Keenan is a vice president and a member of the executive council of the AFL–CIO, having served in that capacity since 1955. He is also the chairman of the Housing Committee of the AFL–CIO,

has been active as the vice president of the National Housing Conference, a leading national public interest organization in the field of housing and he has played a key part in shaping the housing policies of the National Urban Coalition.

I ask unanimous consent that Mr. Keenan's statement of dissent be printed in the RECORD.

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

STATEMENT OF DISSENT

Although the Preface to the final draft of the Task Force Report acknowledges the urgency of the nation's housing needs, the substance of the Report does not convey as deep a sense of urgency, nor does it stress enough the importance of achieving the national housing goals, as I believe it should.

I feel that the Report fails to assign high enough priority to policies for meeting the low-income housing needs.

My comments on the specific proposals of our Task Force Report follow:

CHAPTER I—FINANCING

I am strongly opposed to extension of the surtax because it compounds the inequities that exist in the Federal income tax system.

Organized labor has strongly endorsed both tax reform and responsible fiscal policy. These are not conflicting goals.

I cannot agree with the recommendations that ceilings on FHA and VA home loan interest rates be removed. In my view, the action taken by Secretary Romney on December 30, in raising the ceiling on FHA and VA home mortgages from 7½ to 8½ percent was a grave disservice to homebuyers and to residential construction.

There is no blinking of the fact that during 1969 the highest level of interest rates in 100 years has boosted housing costs, priced a growing percentage of families out of the market for homes and depressed home-building.

Home-building, which has already declined 27% since last January, will drop even further as a result of this action at a time when America needs a sharp rise in residential construction.

And unemployment of construction workers, which rose from 5% in June to 5.6% in November, will continue to climb. Obviously, many who will go jobless will be Negroes—at the very time the Administration is claiming it wants to put blacks to work in the construction industry.

The new jump in the mortgage interest rates will result in another severe setback for the national goal of 26 million dwelling units in 10 years, established by Congressional action in the Housing and Urban Development Act of 1968.

Another effect on the new mortgage interest rate rise will be that monthly payments on principal and interest on a 30 year $20,000 mortgage will increase 10%, so that the cost of the house over the life of the mortgage will be $5,000 more.

The economics department of the National Association of Home Builders reports that monthly payments on principal and interest on a 25-year mortgage with 20% down payment rose from $139.80 for a $25,000 house purchased in June 1968 to $156.96 for a similar home bought in mid-August 1969, as the result if soaring money costs. This is a rise of $17.16, or over 12% to be paid each and every month for 25 years.

The Task Force Report tells us that the ceiling on VA and FHA mortgages must be eliminated, so that the interest rate would be permitted to rise, in order to increase the flow of money into the mortgage market. In effect, we are being told that the interest rate is being held hostage, and those of us who are opposed to high interest rates are expected to surrender as the price of realizing the needed vast increase in residential construction.

If higher mortgage rates were to produce more dwelling units on a sustained basis, we might at least understand the argument. But, on that basis, the experience of recent years is sufficient proof of its falsehood. Interest rates have moved up sharply and the supply of funds in the mortgage market has dropped; and home building is moving into a recessionary decline.

In 1968, we were told that the statutory limit on all VA and FHA mortgages must be eliminated to increase the flow of mortgage money and boost the volume of home building. The mortgage rates have been increased several times since then, in an across-the-board upward movement—with mortgage rates following the general rise of other interest rates. The movement has been from one higher plateau of interest rates to another. After several months at each plateau, new pressures have been generated for another rise in mortgage rates, with a repetition of the same story, the same promises and the same failure of home building to rise on a sustained basis. Painful history has taught us that rises in the mortgage rate did not bring any appreciable flow of funds into the market and housing starts, if spurred at all, improved only for a matter of a few months.

We are also told—as we have been told many times in the past number of years—that the increase in mortgage rates would eliminate discount points. We are well aware that discount points are a cash burden. But points are the leakage in the present system and there is no assurance that whatever the mortgage rate, the points will be eliminated. On the basis of recent concrete experience, we have found that the discount points receded somwhat, only temporarily, and then returned, despite the sharply rising trend of mortgage rates from one new high plateau to another.

Moreover, higher interest rates have added substantially to the costs of construction and even more greatly to the monthly occupancy costs of the home owner and renter. In addition, higher interest rates have added to the cost of the interest rate subsidy in the government's housing programs and have reduced the total number of units that can be realized at any given level of government expenditure. As a result, home building has dropped.

CHAPTER II—LAND

The recommendation on the dual uses of property, though soundly conceived is extremely vaguely stated. Also, it concentrates too much on the central city and does not identify dispersal of population as the more desirable goal. In addition, more emphasis should be placed on the impact of exclusionary local manipulations of zoning and the remedies needed.

CHAPTER III—MODERN TECHNOLOGY AND THE PROVISION OF LOW-COST HOUSING

I believe that the system of off-site certification is essential to the progress of the housing industry. It should be noted, however, that the guidelines governing this system do not make any reference to the need for consumer protection or for the protection of the public interest.

In a free economy, the competitive advantage of one technology against another should be determined by competition.

It is not proper for the government to intervene to tip the competitive balance in favor of a particular system of technology. The economic power of conventional home builders, who have a stake in the housing industry and an immediate concern in the consumer they are serving, is no match for the economic power of corporate giants who have no experience and no history of interest in the housing industry. Yet, given the advantages offered by the "Operation Breakthrough," the conventional homebuilder can, no doubt, produce as cheaply and with higher consumer acceptance than most of the large corporate finalists in the "Operation Breakthrough" contest.

As Dr. Heinz Umrath, the distinguished European trade union housing expert, has pointed out, the recent experience in the Netherlands show that the conventional residential construction industry there when faced with the threat of industrialization, streamlined its procedures and organized them so well that factories can no longer compete with conventional construction.

These considerations should be viewed in the light of the fact that there has been no opposition on the part of the building trades unions to the use of modular units, prefabrication or of other aspects of technological innovation in residential construction. As a matter of fact, a large number of projects utilizing prefabrication and modular construction has been sponsored by building trades unions in recent years.

CHAPTER VII—INCOME MAINTENANCE

I cannot endorse the Administration's family assistance proposals. While they would extend some assistance to some poor people who now receive no aid, I cannot support the sub-poverty level of payments the Administration has recommended.

Nor can I support the view implicit in the Task Force recommendation (30), on page 15, that simply augmenting the income of the poor will enable them to obtain acceptable housing in the market. An increase in the purchasing power of the low-income people would not, by itself, increase the supply of housing available to them. It will merely bid up the cost of the inadequate supply. A very large increase in the supply of good housing on terms bringing such housing within the economic reach of low-income families is essential to the solution of the housing problem and should be strongly recommended by the Task Force.

PRESIDENT NIXON SIGNS POSTAL REFORM ACT

Mr. DOLE. Mr. President, President Nixon signed the Postal Reform Act today and made this monumental date in the history of American public service. This new law implements one of the most fundamental and far-reaching overhauls of a major Government department that has ever been effected. It also stands as one of the foremost legislative accomplishments of the Nixon administration.

By removing postal operations from the political arena and placing the entire organization on a professional and sound economic footing, the administration has achieved a major advance toward its goal of making all of the Federal Government more responsible to the needs of the people.

The Post Office Department will cease to exist as a cabinet-level agency and will become instead an independent operation in the executive branch kown as the U.S. Postal Service. The Postmaster General will be a professional manager named by an independent board, and postal rates will be set according to the economic requirements of the service. After an initial period of Federal subsidies, the Postal Service will be entirely self-supporting, thus eliminating the deficit operations which cost the Government $3.7 billion in fiscal year 1970.

President Nixon is to be commended

for devising and supporting this legislation. The new Postal Service will be a lasting monument to his campaign for better, more efficient Government.

GREENE COUNTY AND THE APPALACHIAN REGIONAL COMMISSION

Mr. BAYH. Mr. President, on June 22, 1970, I had the pleasure of cosponsoring S. 3999, introduced by the able junior Senator from Alabama (Mr. ALLEN). The bill would amend the Appalachian Regional Development Act of 1965 to extend its coverage to include Greene County, Ala. The Appalachian Regional Development Act, which authorized almost $1.1 billion for the development of Appalachia, had an overall objective of accelerating the economic development of the area in order to raise the standards of human existence in those counties of Appalachia and contiguous areas.

The Appalachian Regional Commission, consisting of 11 Governors and one Federal representative, was created to prepare plans and programs for the economic development of the Appalachian States of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia and to coordinate Federal-State efforts in the area. Under the administration of the Commission, an abundance of programs and projects ranging from highways to education has been planned, coordinated, and organized, substantially improving the Appalachian area.

For example, more than 720 miles of a 1,193-mile highway program are under construction or have been completed. The impact of this highway program has been overwhelming. A total of 1,149 new industrial plants representing 200,335 new jobs has been reported. The unemployment rate has decreased from 10 percent to 4.5 percent. The Appalachian communities, realizing the economic, social, and educational benefit of an improved highway system have voluntarily raised their level of financial participation to nearly 50 percent, even though the act allows Federal funding up to 70 percent. These States are to be commended for their high degree of interest in the program, and their cooperation with the Federal Government working toward the fulfillment of the Appalachian regional program.

One of the most crucial areas of need in Appalachia is education. In the fall of 1969 the Appalachian Regional Commission undertook a comprehensive teacher survey to decide what specific programs might improve educational manpower in the region. It was found that 13 percent of Appalachian teachers lack complete certification, and less than 89 percent of the teachers have bachelor's degrees, compared to the national average of 94 percent. The most urgent concern, however, in the field of education is obviously the children themselves. Seventy-one percent of Appalachian students who entered the first grade in 1948 failed to graduate from high school in 1960, and the dropout rate runs 20 to 25 percent higher than the national average. Under the supplemental grant program—section 214—of the Appalachian Regional Development Act, $69.9 million has been spent in education. 46.2 percent has been allocated to vocational facilities, 48.2 percent to higher education, and 5.6 percent to equipment and supplies. Over 200 vocational and technical schools have been funded, resulting in the training of 110,000 persons.

Mr. President, one need only look at the unemployment figures of Appalachia, and one will realize the timeliness of the Commission's expansive educational program—and manpower development efforts. The rate of unemployment in Appalachia over the 1962–68 period was nearly 30 percent above the national average. Six percent were unemployed, as compared to a national average of 4.6 percent. Due to the efforts of the Commission and local citizens, 250,000 new jobs have been created since 1965 and the newly constructed highways have attracted 700 new industries.

The reach of the Appalachian regional development program and its continuing success is of special importance to Indiana. I am well aware of the impact this program has had on Kentucky, our close neighbor to the south. The Appalachian Regional Development Act has undoubtedly accelerated the economic growth of Kentucky and improved the health and welfare of its citizens, having a direct effect on the progress of the Indiana-Kentucky region. Success of the Kentucky program is evidenced by the opening of a new Control Data Corp. plant in Campton, Wolfe County, Ky., employing 150 persons; a new American Standard manufacturing plant in Paintsville, Ky., which will employ 450 persons; 38 vocational schools; a 16-county demonstration health area which has resulted in a $2 million general hospital at Manchester, Ky.; a $1 million hospital addition at Pineville Community Hospital; and a vaccination project which has protected 76,000 children. It is indeed apparent that the Appalachian regional development program has substantially closed the socio-economic gap between those areas included in the Appalachian program and the rest of the country.

Last August, Mr. President, I was invited to the city of Eutaw, in Greene County, Ala., to participate in the inaugural of newly elected county officials. While there, I became acutely aware of Greene County's need for financial assistance in developing broad programs in the areas of employment, education, health, housing, and overall economic development.

Greene County, which has the lowest aggregate income of any county in the State of Alabama, is 81 percent black, and has socio-economic problems similar to counties now receiving assistance from the Appalachian regional development program. Of the 13,400 persons living in Greene County, only 17.4 percent have completed high school and an astonishing 38 percent have less than a 5th grade education. Over 50 percent of the 2,807 families in the county are on public assistance, with 74 percent of the residents making incomes under $3,000.

If Greene County is included and incorporated into the Appalachian regional development program, I am convinced that the blacks, as well as the whites will benefit immensely. The program has been shown to be extremely successful in all the counties that receive assistance. For example, in Decatur, Ala., a 3.5-mile access road has permitted five new high-wage industries to locate there. There is no reason to believe the program would not be equally successful in Greene County.

Mr. President, the Appalachian regional development program deserves our continued support and increased financial assistance. According to the progress reports of John B. Waters, Jr., Federal Cochairman of the Appalachian Regional Commission and John D. Whisman, States Regional Office Representative, a rather impressive program of Federal-State coordinated efforts has been implemented and has unquestionably uplifted the lives and welfare of the people in the 13 States involved. It has been instrumental in creating a new rural environment, one that stimulated the Appalachian region and its people.

Inasmuch as the program has helped so many counties in the Appalachian area, it is my feeling that it can and should benefit Greene County, Ala. As cosponsor of S. 3999, it is my hope that the Appalachian Regional Development Act can be expanded to include Greene County and thus make an even greater contribution to the development of the Appalachian region.

TRIBUTE TO THE LATE DORIS FLEESON

Mrs. SMITH of Maine. Mr. President, recently one of the outstanding women in the history of the United States died literally of a broken heart within 36 hours after the death of her husband. She was one of my best friends who extended to me tolerance in a most generous degree—tolerance of what she considered to be my errant deviations from liberalism.

While my votes and stands on issues at times disturbed her as they have other liberal writers, she granted me the courtesy and respect of never questioning my motives, my intelligence, and my sincerity in those instances with which she disagreed with me. For one who believed as fiercely as she did and who spoke her mind as frankly as she did, this was a rare experience for me that I shall never forget.

I speak of the late Doris Fleeson Kimball. There is so much that I could say about her because of our long association and friendship. But I could never match what Mary McGrory, another close friend and confidant of Doris, wrote in a eulogy of her in a column in the Washington Evening Star of August 2, 1970. I ask unanimous consent that the column be printed in the RECORD.

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

DORIS FLEESON: AN APPRECIATION

(By Mary McGrory)

Doris Fleeson made a speech to the Woman's National Democratic Club in 1959, in which, having characteristically chided the

President and the Congress for their lapses, she gave her own credo:

"But in the end there are no wonder men and no wonder women. There are only you and me and others like us who believe in freedom to do these things. There are only those of us with vision to see the world as it is and the courage to try to do something about it."

She was surely one of the most clear-seeing women ever born, and as for courage, she was lion-hearted. Her prose was a true blade which cut through the fraud, pettiness, egotism and male supremacy which were her daily fare during the 20 years she prowled the Capital, watching politics and politicians.

NONPARTISAN LIBERAL

She was a small, focused woman, with large, luminous hazel eyes and a wide smile. She was fierce. Fierce in her opinions, fierce in her affections. She called herself a "nonpartisan liberal" and while she could be objective in her columns and distill her monumental rages to burnished, cogent, biting paragraphs, she never concealed her feelings. She would seek out an erring statesman and, with tears of indignation in her eyes, berate him for his folly.

She was, decades before the Woman's Liberation Movement, a militant feminist. While she was incomparably the first political journalist of her time, she took on the battles of her lesser sisters, and never forgot a slight to her sex.

Nor did she ever waiver in her defiance of the established order.

The night of her death, she received a visit from the editor of The Star, Newbold Noyes. With heroic forbearance, she refrained from mentioning his recent entertainment of the President at the paper at a stag lunch—an incident which had ignited her feminist fires.

He told her, "Doris, you must write a book so that the young reporters on The Star will know that they did not invent rebellion at the Establishment."

It delighted her soul.

When, in the 50s, she was leading the fight for a ladies' room in the male enclave of the Senate press gallery, she accosted her dear friend and colleague Frank Kent.

"If you laugh at us," she warned him, "I will never forgive you."

Nothing infuriated her more than to be told that she wrote like a man.

"What man?" she would inquire witheringly.

Frank Kent did not, understandably, laugh at her. Few did. She was formidable and the few who did not like her had the healthiest respect for her power and her pen.

COMBATIVE

Her happiest days, professionally, came during the Roosevelt era. She had known Franklin D. Roosevelt as governor of New York, and Eleanor Roosevelt was her ideal of womanhood . . . committed, caring, indefatigable and effective. The excitement and enlightenment of the New Deal gave her opportunity for the expression of rare and unqualified approval. Subsequent presidents never measured up. She regarded Adlai Stevenson, whose mind and spirit, while less combative, matched her own, as a man totally qualified for the White House. His two defeats caused her to mutter bitterly about the "Yahoos."

"I hit people hard some times," she said once, "but they seem to take it because they know I do that to everyone."

It was an understatement. In her prime, she could be disemboweling and her infrequent appearances on television panels caused strong men to cringe in fear. But while she was relentless towards her peers —among whom she counted the world's leaders—she was capable of positive tenderness toward the weak and the unarrived. A great professional, she cared deeply for her craft, and her kindness to young reporters was legendary and prodigious.

HAPPY MARRIAGE

She gloried in the achievements and honors of her career. But the pride of her later life was her triumphantly happy marriage to Dan A. Kimball, a huge, bluff, generous business genius who shared her passion for Democratic politics and doted on everything about her, including her sputtering rages.

To him, the scourge of statesmen was "my little bride," an appellation that never failed to melt her.

She was intensely feminine and brought the perfectionism of her writing to bear on her person and her household. She could brood over the placing of a China closet as heavily as over the course of the Vietnam War, of which she said she was a casualty. She suffered her first stroke in 1964.

In 1968, no longer writing, she participated in the McCarthy campaign by feeding the volunteers of which her daughter, Doris O'Donnell, was one. Three times a week, splendid trays of sandwiches, prepared by her own hand, were dispatched to headquarters.

MACAULEY'S WORDS

She and Dan Kimball worried endlessly over each other's health, and neither could face the prospect of life without the other's devotion. When word of his death was brought to her bedside Thursday afternoon, she reached down into that beautifully arranged and handsomely stocked mind and brought up the words to tell her grief. In a choking voice she recited lines from Macauley:

"The house that was the happiest within
the Roman walls
The house that envied not the wealth of
Capua's marble halls
Now for the brightness of thy smile must
have eternal gloom
And for the music of thy voice the silence
of the tomb."

Thirty-six hours later, she was dead.

THE MINORITY BUILDER

Mr. BAYH. Mr. President, on June 25, 1970, I had the pleasure of addressing a meeting of the National Association of Minority Contractors. At that time I discussed the problems of minority contractors and the possibilities for improving and expanding their contract opportunities.

Minority contractors have traditionally been excluded from the mainstream of the American construction industry. This exclusion is attributable to the strict bonding requirements imposed on minority contractors by surety companies. Because of these tightly controlled requirements, entrance into the mainstream of the construction industry has been denied to minority contractors and has resulted in a definite handicap. At the present time a very small number of black contractors are in the construction industry. Two thousand out of 870,000 general and specialty contractors are black; representing only two-tenths of 1 percent. Obviously, this level of participation by minority contractors is far below the desired level.

As the sponsor of several bills to improve the position of minority contractors, I have taken special note of an article entitled "The Minority Builder," written by Joseph Debro, executive director of the National Association of Minority Contractors, and chairman of Contractors Organized to Lobby—CONTROL. In the article, published in the Labor Law Journal for May 1970, Mr. Debro articulates the position of minority contractors, and discusses the obstacles and discriminatory practices experienced by minority contractors. He explains the frustrating situation in which minority contractors find themselves when dealing with surety companies. Mr. Debro states:

The surety companies would not bond minority contractors because of their lack of construction-contact experience and lack of demonstrated managerial capability. Minority contractors could not gain the required experience because of the lack of a contract. A contract could not be obtained because of the lack of a bond.

Unless bonding requirements are made more compatible with the needs of minority contractors, this cycle of frustration and discrimination may never be broken.

Mr. Debro emphasizes programs, projects, and viable solutions that have been either proposed, considered, or implemented. Mr. President, Congress and the Nation should have the opportunity to read this excellent article. 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:

THE MINORITY BUILDER

(By Joseph Debro)

(Traditionally, minority group contractors have had to content themselves with the small, low-profit jobs while the lucrative contracts went to the large firms partly because the small companies could not afford the necessary surety bond. Recently, however, steps have been taken to provide money for interest-free revolving funds to be used by minority contractors to overcome the surety-bond problem. This type of economic self-help program, the author asserts, is singularly helpful in overcoming discrimination in the construction industry.)

The Housing and Urban Development Act of 1968 projects the construction or rehabilitation of 26 million residential units—including 6 million units for low- and medium-income families—to be built under federally assisted programs over the next ten years. If these goals are achieved and if the general economy maintains the rate of growth experienced over the past decade, construction will be the fastest growing segment of our economy. The value of new construction, plus the maintenance and repair of existing structures has exceeded $100 billion. By 1980, the volume will be close to $200 billion.

OPPORTUNITY IN CONSTRUCTION

The construction industry has always been a stronghold of small business concerns. The larger firms will increase in number, scale and share of the market in a period of sustained expansion. This trend will be offset by continued heavy reliance on subcontractors, thus permitting a significant net growth in the total number of firms in the industry.

Historically, minority group construction contractors have been outside the mainstream of the construction industry. Although the nation has approximately 870,000 general and specialty contractors, fewer than 2,000—or 2/10 of one per cent—are black. While a reliable estimate of the number of contractors among other minorities is not available, it seems safe to assume that they, too, have very little representation. The de-

velopment of minority contractors becomes increasingly important as the nation contemplates a growth in the construction industry to $200 billion in 1980, an increase of $100 billion over the present decade.

The development of minority contractors has not kept pace with the industry's growth and there is little reason to assume that, without assistance, the gap between minority contractors and other contractors will not continue to drastically widen.

This gap between present opportunity and present capacity is the product of a number of factors which have inhibited the growth and development of minority contractors. These include inadequate sources of financing and bonding, and limited entrance opportunities into construction craft unions.

As a consequence, the minority contractor has generally been restricted to small projects not requiring him to meet institutional demands for broad experience or permitting him opportunity for growth.

Thus, now, when the doors to larger construction projects may at last be opening, minority contractors are unable to participate.

An accompanying manpower problem has developed, in part, because of the minority contractor's exclusion from the mainstream on construction activity. Of approximately 435,000 minority construction workers—most of whom are laborers or belong to the trowel trades—over 60 per cent are past the age of 35; in contrast, the median age for all black Americans, for instance, is 21. Among other things, this disparity reflects a view of the construction industry prevalent among young minority workers: without meaningful job or advancement opportunities, the industry is regarded as a last resort for failures. Most often, the term "construction work" has been synonymous in the minds of the under-30 group with "laborers," the lowest paid, the dirtiest, and the hardest jobs in the construction industry.

NEW CAREERS FOR MINORITIES

The rebuilding and renewing of ghetto and blighted areas, coupled with recent government "affirmative action" programs to ensure equal job opportunities, offer new career openings for minorities in the construction industry and related fields.

The 10 million units which the Kaiser report indicated will be needed in our core cities in the next decade reflect a housing market unparalleled in our history.

The minority contractor situation is much like the weather—everybody talks about it but nobody does anything about it.

There is a wealth of misinformation, misunderstanding and misstatements of facts. The unions, the sureties, the government and the large contractors are all defensive about their positions in matters relating to this problem.

Civil rights groups, community organizations, management consulting firms and government agencies are all contributing to the problem and to the confusion. It has become more important to be recognized for some imagined contribution to this field than to effect real solutions to some very real problems.

Civil rights groups and community organizations use their involvement in this area to justify their funding requirements to funding sources and to satisfy their need for relevance to their constituency. Management consulting firms use their involvement as a marketing device to lead into what appears to be a growing government-supported market. Government agencies are making inadequate responses with an insufficiency of resources. Decisions are made on political grounds and in response to clear and present dangers. Visibility of support is more important than the viability of the program supported.

SEVERAL OBSTACLES

The unions are still advocating pre-apprenticeship and apprenticeship programs while 85 per cent of their current membership acquired union cards by methods other than those of apprenticeship.

The members of the Associated General Contractors still sign any suggested pre-award compliance agreement—as well as a union hiring hall agreement—and blame the union for the lack of non-whites in their work force. Owners and builders agree to any plan—the Philadelphia plan, the Chicago plan, or any combination of the two. They do this with the full knowledge that any excuse for non-performance will be accepted once the job is underway.

The sureties contend that what they are being asked to do will lower their standards. The minority contractor's request has always been for a consistent and fair evaluation of the experience and balance sheets submitted by minority contractors—not a lowering of standards.

The solution to the bonding problem does not require, nor does it seek, a lower standard of bonding—it seeks a consistent standard.

The American Insurance Association (AIA) defines a construction project bond as: "a form of security—the demand for which invariably derives from the person for whom the work is to be performed." The furnishing of the security as a prerequisite to bidding or to obtaining a contract for work is required by the owner and/or lender, or by the general contractor on his subcontractors. The bond is used to protect the owner, lender, general contractor and the supplier.

The owner, as the one who pays the bond premium as a part of the job cost, expects the surety to qualify the proposed contractor as to his ability to perform the contract, for the contract price, within the time set for completion of the project. This involves an examination of the proposed contractor's integrity, experience, know-how, equipment and working capital.

The surety must indemnify the owner for any reasonable costs in completing the project—which are in excess of the agreed price—and for the work, to the extent of the amount fixed in the bond.

The surety must guarantee that persons who furnish labor and material for the project to the contractors or their immediate subcontractors will be promptly paid.

The AIA—in its open letter to the Small Business Administration—seems to labor under the illusion that minority contractors wish them to unilaterally disregard the needs of the owners, the lenders or the general contractors, and to adopt a radical concept of underwriting premised on the needs of the bond applicant rather than on the needs of the owner or his designee.

THE MINORITY CONTRACTORS' POSITION

Minority contractors have no such wish. There is complete agreement within the minority-contractor community with the current surety concepts articulated by the surety industry. The disagreement is with the difference between the industry's stated position and minority-contractor experience at the operational level of the surety industry.

The AIA calls the statement—that the bonding requirements are a stumbling block to minority group advancement in the construction economy—a commonly held misimpression.

The figures used to support this argument reflect a total lack of understanding of the problems of minority contractors in this country. They do not support the Association's argument that it is a misimpression that the bonding requirements are a stumbling block to minority group advancement in the construction economy. There is general agreement with the AIA that of the roughly $75 billion of annual construction in the United States, only in the field of public works is a bond a common prerequisite to bidding and obtaining a contract; that public work involves about $15 billion a year; that of the remaining $60 billion of construction, traditionally about 20 per cent at most is required by owners to be bonded. This means $12 billion of bonded private work.

The grand total of bonded work, public and private, therefore amounts to about $27 billion—leaving $48 billion of normally unbonded work.

What the Association fails to point out, however, is that there is no requirement that any construction in the private sector go to open, competitive bid. Even if the majority of the work in the private sector was not done through a selected bid list or other sweetheart arrangements, the bonding process is still the largest single identifiable constraint to access to 35 per cent of the construction market.

Construction in the public sector represents the greatest opportunity for minority builders since there exists the legal requirement of open, competitive bids. Moreover, sweetheart arrangements between owner and builder often found in the private sector appear to be generally absent.

Access to public construction projects is restricted by a constraint authorized by an Act of Congress dated July 30, 1947, as amended (6 U.S.C. Secs. 6–13). This constraint is called the Miller Act, and it requires that sureties be used to bond all federal construction projects.

Best's *Insurance Reports, Property Liability* (1960) lists 26 classes of insurance business. Surety is one of the classes of business listed The loss ratio of all 26 classes averages 74.4 per cent. The loss of ratio of the surety class is 28.4 per cent.

Only two operating ratios need be determined to reasonably interpret the true underwriting experience of a company. These are: (1) ratio of combined losses; and (2) loss adjustment expenses incurred to earned premiums. If the total of the two ratios is under 100 per cent, the difference reflects the approximate profit margin.

The combined loss and expense ratio of the surety business is 84.4 per cent. Therefore, the approximate profit margin is 15.6 per cent—the highest of all classes of insurance business.

The United States Treasury Department regulates these sureties under the Department Circular No. 297, as supplemented.

DISCRIMINATORY TENDENCIES

There are 230 companies holding certificates of authority from the Secretary of the Treasury—under Sections 6–13 of the United States Code—as acceptable sureties on federal bonds. None of these companies have any non-white Americans on their boards of directors or in their executive suites. Nonwhites have also been generally excluded from employment in this industry.

This marginally profitable, equal opportunity employer has consistently prevented blacks from entering the growth phase of the construction industry by not issuing bid bonds and/or completion bonds for proposed projects.

In cases where bonds are being issued the requirements for minority contractors are often twice as rigorous as those imposed on non-minority contractors under similar circumstances.

Trans-Bay Engineers and Builders, Inc.—a new minority-owned construction firm formed in Oakland, California—was required to show $70,000 in cash on its financial statement before a bond would be issued. The job in question was site work on the West Oakland Health Center. The contract price was $473,239.

Trans-Bay was led to believe that a bond would be issued if it showed $45,000 in cash on its statement and if all of the members of its board of directors signed an indemnification agreement; this was done. On the day the bond was to be issued, and after Trans-Bay had signed the contract for the West Oakland Health Center, the bonding company demanded another $30,000 in cash before it would issue a bond. Thirty minutes after the bond was issued, the surety company tried to cancel this bond.

This surety company represents the best effort of the industry. No other surety company contacted would even respond to the Trans-Bay request for a bond.

Evaluation of assets and evaluation of experience is the area of subjectivity in which bonding companies have a poor history vis-a-vis minority firms.

DISPARITY IN TREATMENT

Non-cash assets often make up a major fraction of the balance sheet of non-minority construction firms. These assets are often evaluated in such a way that the cash requirements are considerably less than 10 per cent. Real property, equipment and other such assets are often evaluated at the discretion of and in accordance with the best information obtainable by the locally authorized process agents.

Prior to 1967, surety companies were not only reluctant to bond minority contractors, but refused to say why. They were simply non-responsive to requests made by minority contractors.

In late 1966, the Ford Foundation initiated discussions with several major surety companies. The companies acted partly in response to requests from minority contractors in various parts of the country and partly at the suggestion of representatives of the federal government.

The surety companies would not bond minority contractors because of their lack of construction-contract experience and lack of demonstrated managerial capability. Minority contractors could not gain the required experience because of the lack of a contract. A contract could not be obtained because of the lack of a bond.

The surety companies expressed a willingness to cooperate with the Ford Foundation in the design of a program which would result in an increase in the number and size of surety bonds issued to minority contractors.

The initial result of these explorations was a three-year demonstration program in Oakland, California.

The Oakland Bonding Assistance Program was announced June 9, 1968. One hundred-fifty thousand dollars was granted to the General and Specialty Contractors Association for an interest-free revolving fund, and an additional $150,000 was granted to the same association to be used to purchase administrative services and technical assistance for contractors using the revolving fund. These funds were to be used over a three-year period to increase the job capacity of minority contractors in Oklahoma.

Prior to funding, in order to insure the support of the total community there was established a broad-base advisory board. The following organizations were represented: The Management Council for Bay Area Employment Opportunity; Building and Construction Trades Council of Alameda County; Carpenters Bay Counties District Council; The Bank of America; Kaiser Industries Corporation; General and Specialty Contractors Association; The San Francisco Human Rights Council; and The Oakland Small Business Development Center.

This advisory board recommends policy and personnel. The recommendations of the board were always accepted, even though the contractors had the option of ignoring any recommendation of the board.

The Program was directed at meeting the growth needs of minority contractors who had demonstrated ability both as craftsmen and as businessmen; men who were small because of the constraints placed on them by an unjust system and not by lack of ability on their part.

THE SCOPE OF THE PROGRAM

It was estimated that the 60 general and specialty contractors who made up the Association were collectively grossing less than 2.5 million dollars per year (an average of $40,000 per contractor). A three-year projection of five million dollars was made in the proposal. It was estimated that over 100 new jobs would be developed and that another 100 minority group craftsmen—who were employed by the Association membership at a fraction of their work potential—would be upgraded to full journeyman status. The Association membership, 18 months later, grossed more than 20 million dollars. There is currently a backlog exceeding 25 million dollars.

More than 200 new jobs have been generated. The average number of hours worked, by community craftsmen, has risen from 970 to 1,600. The average wage-per-hour has gone from three dollars to six dollars as the subcontractor has moved from the status of nonunion to union shop.

This process has generated more non-white union journeymen in the high-wage crafts than in the entire history of the local hiring-hall process. This great growth can be attributed directly to the revolving fund and to the funds allocated for its effective use.

The Ford Foundation revolving-fund grant represented a major conceptual breakthrough. The poor and the powerless had never before been given both the opportunity and the resources with which to effectively use funds for their development and growth. The community of the poor had always been required to consume and/or return any funds received.

This revolving-fund concept has been discovered and used, to a limited extent, in some model cities programs around the country. The first contractor to use this fund had not done a job larger than $130,000, although he had 15 years' experience as a general contractor. His proposal was to do a job which was estimated to cost $250,000. He needed $25,000 in cash according to the sureties.

He was able to raise $10,000 from his own resources. The Bonding Assistance Program, after careful analysis of the job and the applicant, loaned him $15,000 interest free. The $25,000 was then placed in a joint account on which the applicant and the bonding manager signed. All progress payments were received into, and all disbursements were made from this account. The contractor had no other work in progress at this time. The bonding manager inspected the job daily and the critical-path method was used throughout the job. All discounts were taken and subcontractors were promptly paid. At the end of the job, no funds were paid to the contractor until a lien release was obtained from all subcontractors and the owner released the bond.

On this particular job the contractor lost money. In spite of that fact, the subcontractors, the suppliers and the owner were all satisfied. The Bonding Fund had to take back an interest bearing note for its $15,000.

Because of the knowledge and experience gained by both the Bonding Program and the contractor, he was able to negotiate a $500,000 job which the owner agreed to put on a cash basis. This job is currently in progress and is on schedule. It appears that the contractor will make a profit on this job and that he will be able to retire his note to the Bonding Program. The next job that this contractor will be able to undertake will be at the $1 million level.

A PROFITTABLE FIRST-TIME VENTURE

To cite an example which developed a profitable posture on the first job might be instructive.

Trans-Bay Engineers and Builders wanted to build the West Oakland Health Center. This company was able to raise $20,000 from its own resources. The job amounted to $473,239. The sureties required $70,000 in cash. The Bonding Assistance Program approved an interest-free loan of $50,000.

The $70,000 was placed in a joint account on which Trans-Bay and the bonding manager signed. All progress payments were received into, and all disbursements were made from this account. The contractor had no other work in progress at this time. The bonding manager inspected the job daily and the critical-path method was used throughout the job. All discounts were taken and subcontractors were promptly paid. At the end of the job, when the owner signed a bond release, there was $96,000 left in the account. This represented $26,000 in profit which Trans-Bay had earned on its first job—a four-month effort.

Trans-Bay now has under contract $5 million worth of work: a Bank of America building, Navy housing, a West Oakland elementary school, and 126 residential units in West Oakland. The company's projection for 1971 is $12 million.

The U.S. Department of Housing and Urban Development, on October 17, 1968, issued FHA Circular 4200.2—whose subject was assurance of completion of construction requirements. The circular advised of the issuance of amendments to the regulations to establish new and uniform requirements for the assurance of completion of all projects involving the insurance of advances, except Title X projects:

"For projects where FHA estimate of construction or rehabilitation is $200,000 or less, no corporate surety bond will henceforth be required, provided a personal indemnity agreement (Personal Undertaking, FHA Form No. 2459) is executed by the principal individual or individuals responsible for construction or rehabilitation of the project.

"In the absence of such a personal undertaking the requirements set forth in this letter shall apply to such projects, except that no assurance of completion shall be required for rehabilitation projects of 11 units or less to be insured under Section 221(d)3 or 221 (h), or Section 235(j) or Section 236 of the National Housing Act (unless more than two such rehabilitation projects involving the same mortgagor or general contractor are under construction at one time).

"For walk up garden type structures where the estimated cost of construction or rehabilitation is $2,000,000 or less, a 10 per cent performance bond and a 10 per cent payment bond shall be provided.

"For walk up garden type structures where the estimated cost of construction or rehabilitation exceed $2,000,000 a 25 per cent performance bond and a 25 per cent payment bond shall be provided.

"For high rise elevator type structures, a 50 per cent performance bond and a 50 per cent payment bond shall be provided.

"As an exception to the foregoing requirements, a cash deposit or a letter of credit equal to one-half of the amount of the indicated performance bond or 10% of the estimated cost of construction or rehabilitation, which ever is greater, may be accepted in lieu of the performance and payment bonds. The amount of bonds, cash deposits or letters of credit will in each instance be calculated on the FHA estimate of construction or rehabilitation cost.

"Also excepted from the foregoing will be projects within the states of California, Florida, Louisiana and Texas, where statutes are in effect requiring for adequate protection, either a 50 per cent performance and

a 50 per cent payment bond. Bonds must comply with the local statutory requirements, and cash deposits or letters of credit will not be acceptable in those four states. Personal undertakings will be acceptable for projects of $200,000 or less and the special exemption for rehabilitation projects of 11 units or less shall apply in those four states as in all other states."

FHA Circular 4200.2 demonstrates what is possible under the existing legislation. Other departments of the government should examine their own posture with respect to this circular.

ANOTHER VIABLE PROGRAM

The Small Business Administration has also been active vis-a-vis the minority-contractor bonding problem. The 8A Program, which allows the Small Business Administration to become the prime contractor in small business set-aside contracts, is now being used in the construction industry. Care must be exercised, however, to insure that the only contracts that are set aside are not the ones on which agencies do not get bids due to lack of profitability.

The Small Business Administration—in its loan-guarantee program—has begun to make guarantees on loans which are subordinate to the interest of the surety. This device permits the use of the Small Buisness Administration's guaranteed capital to meet the elevated liquidity requirements of the surety industry.

The usefulness of this device would be increased if lenders would make this money—which is guaranteed against loss—available at the same rate as is obtained on Treasury bills. Since these loans are made out of reserve funds, and since these loans generate demand accounts which show reasonable average balances, and since these loans generate consumer-loan relationships in the communities served by this kind of effort the banks can hardly afford to do otherwise.

In 1968, the Small Business Administration convened a National Construction Task Force to study the minority-contractor bonding problem. It was charged with the responsibility of coordinating the previous fragmented efforts of the private sector, the government and other interested groups.

The National Construction Task Force created a field organization in a number of cities across the country. This organization—called the Action Construction Team (ACT)—consisted of volunteer members representing each of the four working task force committees: Financial assistance; management and technical assistance; federal assistance; and community resources. These Action Construction Teams had no staff funds, no program money and no minority contractors.

The National Construction Task Force was composed of many interest groups who had nothing to gain by the kind of change which the Task Force advocated. Not a single minority contractor was a member of this Task Force.

Despite the dedication of some of the members of this Task Force, the ACT efforts have been successful in very few cities.

OTHER PROBLEM-SOLVING MEASURES

There are currently a number of major efforts being proposed to help bring about some solution to the problems of minority builders. The American Assembly, in its study of black economic development, recommended that legislation might be needed which would permit public works construction to be put on a cash basis. This is a device currently in use in California. Payout comes to the contractor as needed. He doesn't have to wait until 20 per cent of his job is complete for the first payout. This kind of transaction is handled through a builder's control. The fee which the owner pays is about the same fee that would be charged by the surety. FHA projects can currently use this device, provided the government insurance is not required until the final close of the escrow.

A builder's control receives and disburses all construction-project related funds. It estimates the job prior to funding and it inspects the progress of the general contractor and his subcontractor prior to disbursements. Disbursements are made as they are needed.

In the First Session of the 91st Congress, Senator Bayh introduced S. 2609, S. 2610, and S.2611.

S. 2609 was a bill "to increase the participation of small business concerns in the construction industry by providing for a federal guarantee of certain construction bonds and authorizing the acceptance of certification of competency in lieu of bonding in connection with certain federal projects and for other purposes."

S. 2610 was a bill "to amend Section 3 of the Housing and Urban Development Act of 1968." It has been enacted into law.

S. 2611 was a bill "to amend the Act of August 24, 1935 (commonly referred to as the Miller Act) to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such act." The current exemption limit is $2,000. Congressman William S. Moorhead introduced similar legislation in the House of Representatives.

The law firm of Arnold and Porter is currently petitioning the United States Treasury as the regulatory agency which has the licensing responsibility for the surety industry. The petition raises the issue of the subjectivity involved in the bonding process and the issue of recourse and remedy.

The National Urban Coalition and the National Association of Minority Contractors have an effort underway to establish a National Minority Contractors Institute. This effort would use the techniques developed in the Oakland project in some 15 cities in order to develop some strong minority builders.

Finally, there seems to be a growing movement in the minority-contractor community to establish a minority-controlled surety company. The National Association of Minority Contractors views the surety dilemma as they viewed the life insurance industry 15 years ago. At that time, only black companies would issue life policies on minorities without rating them. Once the life insurance companies understood that the minority community was a profitable market, they changed their practices. They now write life policies on the total population without regard to race. There is hope that the surety companies may be educated in the folly of their current practices.

OVERTURES BY GENERAL CONTRACTORS

A number of large general contractors across the country are beginning to make some relevant responses to the minority-contractor bonding problem.

Once a job is bonded by the general contractor, he has the option of not requiring his subcontractors to bond. The general contractor is in a position to negotiate a contract with a minority subcontractor—to put the subcontractor on a cash basis by providing funds to suppliers as needed. The general contractor can then provide technical assistance and management help to a minority subcontractor who is working on a job over which the general contractor has control. The trade off in such a situation has been market penetration and acceptable affirmative action in the area of minority employment and training.

There is a very critical interrelationship between the bonding problem which we have defined and the problems of manpower, markets, management and contract compliance. All of these problems must be defined and solutions to them sought if we are going to be able to build viable minority-contractor firms. John Gardner has said "we know what our problems are, but seem incapable of summoning our will and resources to act. We are seized by a kind of paralysis of the will."

The 1968 Housing Act projects the construction of six million units of low- and medium-income housing units. These units, or an equivalent amount of industrial and public-works construction, must be built on turf occupied by the community of the poor. Trade offs for access to this enormous construction market may provide a means by which the national paralysis of the will might be cured.

The community of the poor has a responsibility to husband access to this enormous market. Trade offs must be developed between the indigenous community and the building trade councils, between the indigenous community and the contractors who propose to exploit this market.

CULPABILITY FOR DISCRIMINATION

In developing this marketing method, there must be a firm understanding of who creates and perpetuates the problem of underemployment and unemployment in the construction industry for minorities. It is true that some craft unions are guilty of discrimination. Craft unions, however, are not employers. They do not hire craft union workers. They do not train craft union workers—contractors do. The subcontractor often serves as a business agent for craft unions. The excuses which he gives for discriminatory practices are not relevant to the cause of minority unemployment.

The employer, in the construction industry, is the contractor. He must be held accountable for his employment practices and for his training practices. The excuse most frequently used by the contractor is that the hiring-hall agreement which he signs results in non-minority group referrals. Thus, the union is at fault. However, contractors who work in states which have right-to-work laws and thus no hiring-hall agreements to sign, have no better record in employment and training than do those who must sign such agreements. There is no law which limits the number of trainees a contractor can train on his job; there is no law which compels the contractor not to hire skilled minority workers through the subcontracting process. Minority subcontractors have minority work crews; these crews are paid prevailing wages. These firms are union shops or are prepared to become union shops, provided the union accepts their work force.

Ray Dones, the president of the National Association of Minority Contractors and the chief executive officer of Trans-Bay Engineers and Builders, said in a speech before a regional conference of his Association that "my firm is constructing an elementary school on one side of a street; a white construction firm is constructing some residential housing on the other side of the street. The work force, on the earth moving equipment on Trans-Bay's job is all non-white; the work force on the earth moving equipment, on the other company's job site is all white. Our unbonded subcontractor couldn't find any qualified white operating engineers and the other company's subcontractor couldn't find any qualified non-white operating engineers. Discrimination is illegal in California."

THE UNIONS' SHARE OF THE BLAME

Confusion arises regarding the leverage point because unions control the apprenticeship program. This control is confused with the actual training process. Apprentices are trained and paid by contractors—not by unions. Unions add to the confusion because they guard their absolute power over the apprenticeship program very jealously. They have been able to sell the pre-apprenticeship and the pre-preapprenticeship method of keeping themselves free of pressure in this area.

Most of the card-carrying skilled craftsmen (85 percent) who are now a part of the union hiring-hall process were not admitted through the apprenticeship process. Among

those who have been admitted through the apprenticeship program, many have made use of some form of nepotism. Minority contractors understand the nepotistic urge; they share it and believe that the many other avenues which are currently being used for admission of non-minority members are more productive than is the apprenticeship method.

A most frequently used, non-apprenticeship method of entry into the hiring-hall process requires that a craftsman work for 24 months in a shop which has signed a union agreement. There are numerous other devices. Unfortunately, there has not been a full understanding of the various methods of entry into the craft unions. A full study of these methods might be instructive.

The manpower goal of the minority contractor is to develop and upgrade craftsmen and to enable them to become regular members of their local building trade unions within a limited time frame. This goal recognizes the need to absorb into the construction industry those members of urban communities who are beyond the apprenticeable age, who are partially trained in various crafts, and who are marginally employed. These workers may now have only limited access to training programs which will permit them to become journeymen; but they could be trained by programs which absorb the cost of their training. On-the-job training programs which pay contractors—not unions—a productivity differential will permit many craftsmen to become fully productive.

For example, the upgrading process can be applied to the existing members of the labor unions. Many laborers have had much experience helping plumbers. They should be able to be upgraded at a very rapid rate thus creating more plumbers and more openings in the laborers' union ranks.

FULL IMPLEMENTATION

Minority contractors must be trained on the job; they must not be expected to learn how to solve their business problems only in a classroom. We must somehow build in support for the cost of minority contractors' learning on the job. Giving technical assistance and management support to an unemployed contractor or to one who is only marginally employed may be acceptable as a part of an affirmative action program, but it is considered non-responsive to the needs of the minority-contractor community.

SENATOR SCOTT'S RECORD IN JOB OPPORTUNITY AND REGIONAL DEVELOPMENT LEGISLATION

Mr. DOLE. Mr. President, the distinguished senior Senator from Pennsylvania, (Mr. SCOTT), our able and respected Republican leader, has had a longstanding interest and record of leadership in congressional efforts toward increasing job opportunities for unskilled and semiskilled workers and improving conditions in regions of impaired economic progress.

Although the overall level of unemployment in this country has not been critical for many years, the plain fact of the matter is that the unemployment rate among low-income groups is alarming. To meet this problem, Senator SCOTT has long urged job training and job retraining to place unskilled or semiskilled workers in positions of suitable employment.

Regional development, such as the Appalachia program, has meant a great deal to Pennsylvania. As one of the original sponsors of this vital legislation, Senator SCOTT knows of its tremendous effect on his State. For example, the Appalachian Regional Development Act affects 57 of 67 Pennsylvania counties and has been responsible for the expenditure of more than $110 million in 5 years.

Mr. President, Senator SCOTT's efforts to stimulate employment opportunities and to further development in depressed areas have been tireless, and the resulting benefits to his State of Pennsylvania, as well as the entire Nation, have been considerable. His remarkable and significant record in these fields extends from his first Senate service in the 86th Congress through the present 91st Congress. I ask unanimous consent that a summary of this aspect of the accomplishments of the senior Senator from Pennsylvania be printed in the RECORD.

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

SUMMARY

91ST CONGRESS

Legislation

S. 1072—To authorize funds to carry out purposes of Appalachian Regional Development Act of 1965.

S. 15—Rural Job Development Act—To provide income tax incentives and other benefits for employers operating certain industrial or commercial enterprises in rural job development areas.

S. 1079—To consent to the Susquehanna River Basin Compact.

S. 1362—To provide Federal financial assistance to Opportunities Industrialization Centers to assist in job training in low-income areas.

Votes

Voted to increase appropriations for the Office of Economic Opportunity from $1.624 billion to $2.048 billion.

Voted to express the sense of the Senate that the aggregate of opportunities for job training for disadvantaged youth shall in no event be less than that for fiscal year 1969.

Voted to increase funds for the Neighborhood Youth Corps summer program under the Manpower Training and Development Act.

Voted to authorize funds to extend programs under the Economic Opportunity Act.

90TH CONGRESS

Legislation

S. 2088—To provide incentives for creation by private industry of additional employment opportunities for residents of urban poverty areas.

S. 2134—To provide incentives for establishment of new or expanded job producing industrial and commercial establishments in rural areas.

S. 2572—To establish a Domestic Development Bank for development of employment and business opportunities in certain urban and rural areas.

S. 3649—To provide private enterprise with incentives to employ and train unemployed and low-income unskilled persons residing in both urban and rural areas, and to provide community employment and training by Federal and local governments as the employer of last resort.

S. 3876—To establish a community self-determination program to aid people of urban and rural communities in securing employment.

Votes

Voted to continue present policy of requiring at least 40 percent of assignments of male enrollees in the Job Corps to be primarily directed to the conservation, development, or management of public natural resources or recreational areas.

Voted to establish a $200 million program of grants to employers of up to 15 percent of the cost of training the unemployed.

Voted *not* to abolish the Job Corps.

Voted to transfer the Headstart program for disadvantaged pre-school children from the Office of Economic Opportunity to the Office of Education so that it would be better administered.

Voted *not* to reduce the authorizations for the Economic Opportunity Amendments of 1967 by $198 million.

Voted for the Economic Opportunity Amendments of 1967.

Voted to add $25 million to the Headstart program under the Office of Economic Opportunity.

Voted to increase by $215 million funds for the Office of Economic Opportunity.

89TH CONGRESS

Legislation

S. 1766—To authorize loans for rural areas water supply; make grants for rural community development planning and construction.

Votes

Voted *not* to eliminate Appalachia programs for land stabilization, conservation and erosion.

Voted for the Appalachian Regional Development Act of 1965.

Voted for the Manpower Act of 1965.

Voted for the Public Works and Economic Development Act of 1965.

Voted to retain the voluntary assistance program for needy children under the Economic Opportunity Act of 1965.

Voted for the Economic Opportunity Amendments of 1965.

Voted for the Community Development District Act of 1966.

Voted for the Demonstration Cities and Metropolitan Development Act of 1966.

88TH CONGRESS

Legislation

S. 1274—To provide preference in awarding certain government contracts to contractors in areas of substantial and persistent unemployment.

S. 1832—To increase jurisdiction of the Delaware River Port Authority.

S. 2782—To assist in development of the Appalachian Region by establishing the Appalachian Regional Commission and by authorizing grants to be made to assist in encouraging local industry, health and educational facilities.

Votes

Voted against reducing by $100 million the authorization of appropriations to finance youth programs under the Economic Opportunity Act of 1964.

Voted for the Economic Opportunity Act of 1964.

87TH CONGRESS

Legislation

S. 856—To create a regional intergovernmental Compact for the Delaware River Basin.

Votes

Voted for the Temporary Extended Unemployment Compensation Act of 1961.

Voted for the Area Redevelopment Act of 1961.

Voted *not* to limit the length of time or the authorization for the retraining program of the Manpower Development and Training Act of 1961.

86TH CONGRESS

Legislation

S. 548—To grant the consent of Congress to the Great Lakes Basin Compact.

S. 942—To establish a Commission on Equal Job Opportunity Under Government Contracts.

S. 3558—To establish program of financial and technical assistance to alleviate conditions of substantial and persistent unemployment in economically depressed areas.

THE ABM: A WHITE ELEPHANT

Mr. McGOVERN. Mr. President, in considering the proposed anti-ballistic-missile system, several points should be emphasized.

We should recall, for example, that every White House science adviser since the creation of that office has expressed the gravest doubts about the feasibility of this system.

Since last year there have been two significant developments affecting the rational for Safeguard. The first was the initiation of the Strategic Arms Limitation Talks. The second was Secretary Laird's admission, in effect, that the critics were right last year in pointing out that the system could be easily overwhelmed by enemy action.

The Secretary said in his posture statement on February 20 of this year that:

> To be perfectly candid, Mr. Chairman, it must be recognized that the threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle.

In practical terms, that statement means, and the Secretary elaborated on it so there could be no mistake, that if there is no arms limitation agreement the Soviet Union can nullify this system. On the other hand, if there is an agreement we will not need the system. In either case we are buying a useless collection of machinery.

Secretary Laird went on to argue that the Minuteman protection aspects of the system should be constructed "because the additional cost needed to defend a portion of Minuteman is small if the full area defense is bought."

But, Mr. President, the Armed Services Committee has rejected the full area defense; so the multibillion dollar ABM parasite now stands alone and exposed.

There is no evidence that this system will make any real difference in defending the United States against nuclear attack or in preventing a first strike. All we know for certain is that it will severely deplete our resources and accelerate the inflationary pressures which so concern the President that he has vetoed desperately needed funds for schools, housing, hospitals, water systems, and veterans programs.

Is it not true that most Senators really doubt that the Safeguard system will work? I fully believe that we will regret its construction.

The administration's argument seems to have been reduced to a single point—"the system may be no good, but it scares the Russians." They tell us that even though it may be worthless on its own, it has value as a bargaining chip.

But that astonishing argument defies both logic and history.

It suggests that we will gain a bargaining advantage by threatening the Soviets with wasting billions of our own dollars. It asks Senators to see merit in telling an adversary that if he does not comply with our wishes we will inflict injury upon ourselves.

But beyond that, the recent history of our attempts to achieve limitations on the world's nuclear arsenals presents a clear lesson that any new weapons construction brings only escalation by the other side.

How can the proponents of this system answer the compelling logic set forth in a letter to the Washington Post this week by such distinguished Americans as Averell Harriman, Karl Kaysen, Adrian Fisher, Franklin Long, and Herbert Scoville. Mr. Harriman is the most experienced of all Americans in negotiations with the Soviet Union. His judgment and that of his respected colleagues should be carefully weighed.

They have reminded us that it has not been new weapons systems which have brought negotiating success. It has been rather, the kind of imaginative step President Kennedy took in announcing an end to nuclear testing, opening the door to the ban on tests in the atmosphere. It has been steps like the Senate's unanimous passage of the Pastore resolution in 1966, endorsing steps to halt the spread of nuclear weapons and leading to the Nonproliferation Treaty.

The administration suggests that the Safeguard is needed to advance SALT. I suggest that the case has become so weak that they are using SALT to get Safeguard. The issue is not whether we will give the President a bargaining chip, it is whether we will allow the negotiations to be misused as a debating point here at home, to pry loose a system the President appears determined to build no matter how overwhelming the case against it.

Let us not waste billions on this dreadful white elephant.

Let us not squander resources we urgently need to end hunger, clean up the cities, reduce crime, and build America as a land of dignity and peace.

Let us accept the moderate and thoughtful effort of Senator COOPER and Senator HART to restrain the deadly nuclear giant.

Mr. President, I ask unanimous consent that the letter by Governor Harriman and his colleagues, to which I referred, be printed in the RECORD.

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

THE ABM VOTE AND THE SALT TALKS

Recently administration spokesmen have been insisting that unless the Congress authorizes the continued construction and expansion of the Safeguard ABM, it will not be possible to negotiate an agreement with the Soviets at SALT to limit strategic armaments. They argue that the negotiators need the Safeguard bargaining chip to induce the Russians to halt the deployment of their large SS–9 ICBMs.

This would appear to be an attempt to exploit the desire of the Senate and the public to achieve success in SALT in order to rescue the Safeguard program from defeat. The administration has always defended the Safeguard ABM defense of Minuteman sites on the basis that it was not a threat to the U.S.S.R. If true, why then should the continuation of this program be a chip to induce the Soviets to agree to limit their offensive missile deployment?

The major U.S. threat to Soviet security lies in the deployment of the U.S. MIRV systems. On April 9, 1970, the Senate passed a resolution by a vote of 72 to 6 urging that the President propose to the U.S.S.R. an immediate suspension by both countries of further deployment of *all* offensive and defensive nuclear strategic weapons systems. Yet this MIRV chip has been thrown away by the accelerated deployment of the Minuteman III and Poseidon missiles with their MIRV warheads and by the reported proposal that any MIRV limitations must be accompanied by Soviet acceptance of extensive inspection of both offensive and defensive missile sites. There is no security justification for such urgent MIRV deployment since the heavy Soviet ABM which they were designed to penetrate could not be deployed and become operational for many, many years.

It has also been reported that the possible outcome of SALT would be an agreement that henceforth the United States and the U.S.S.R. will limit their ABMs to the defense of their capitals. The continued deployment of Safeguard at the Minuteman sites will not in any way contribute to the defense of Washington, and the Senate is being asked to endorse the expenditure of funds for useless hardware if SALT is successful and for an admittedly at best marginally effective system if it is unsuccessful. Why the U.S. should try to get the Soviets to agree to the deployment of ABM defenses for Washington and Moscow instead of a complete ABM ban is not clear, since the defense of Washington will not accomplish any of President Nixon's three objectives for an ABM system. A complete ban would eliminate the need for MIRVs and simplify the problems of verification by obviating any possible need for inspection. It is reported that the Soviets have indicated interest in such a complete ban.

Finally, history has unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.-U.S.S.R. negotiations on the Nonproliferation Treaty.

If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

In our judgment, a Senate vote against the ABM is a vote for success in SALT.

NUCLEAR REACTORS IN OPERATION AND PLANNED FOR CUBA

Mr. DOMINICK. Mr. President, I have received a telegram from Mr. Edward B. Benjamin, of New Orleans, dated August 10, 1970, calling attention to an article dated August 10, 1970, written by Mr. Donald Seaman, chief foreign correspondent for the London Daily Express.

The article, a copy of which I obtained

from the Washington office of the London Daily Express, deals with the information on nuclear reactors in operation and planned for Cuba. In addition, the Washington Daily News printed a story by Mr. Seaman on August 11, 1970, dealing with the overall control of Cuban affairs by Soviet technicians and advisers in Cuba.

In the London Daily Express article, Mr. Seaman has vividly depicted plans for the installation of a "critical" nuclear reactor in Cuba by 1971 or 1972. While the reactor's purpose is said to be peaceful, Mr. Seaman voiced grave doubts as to this, due to the vast numbers of Russian advisers and Cuban scientists trained in Russia, the current policy of familiarization visits by Soviet missile-carrying naval units, and flights by long-range reconnaissance and transport planes. In the Washington Daily News article, Mr. Seaman gives further evidence of Soviet influence in that Caribbean island. Ninety-five percent of the oil that runs Cuban ships, buses, trucks, and taxis is supplied by the Kremlin.

Since part of the debate against the ABM is based on the theory that we can ignore the increasing offensive power of the Soviets and their satellites on the ground that "capability" has nothing to do with "intentions," I believe these articles written by a firsthand observer in Cuba may give them pause. I ask unanimous consent that the articles and the telegram be printed in the RECORD.

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

[From the London Daily Express, Aug. 10, 1970]

FIDEL'S NUCLEAR SECRET WORRIES UNITED STATES

(By Donald Seaman)

This weekend in Havana I learned first details of Fidel Castro's secret experimental nuclear reactor, for long a worry to American Intelligence services.

The reactor, shipped complete from Russia, is housed in what was ex-President Batista's old "West Point" military academy along the airport road leading from the Caribbean island's capital.

It is run by a staff of 51 scientists—all Cubans. The director was trained in Czechoslovakia, all the rest in Russian nuclear centres.

PEACEFUL?

All of them spent a minimum of five years' training under Russian supervision before the reactor itself was shipped over.

In scientific terms the reactor is "non-critical"—incapable of making the bomb. It is being used solely for experiments, some in the medical field and others in processes whereby the hard-up Cubans are trying to make paper from the pulp-like sugar cane residue.

But—and this is sure to increase U.S. concern—the Cuban scientists say plans are in hand for the Russians to give the Cubans their first "critical" nuclear reactor by 1971 or 1972.

According to my information, there is no indication that the new reactor, if and when it comes, is intended for anything but peaceful purposes.

Its very presence, however, linked with the presence of vast numbers of Russian advisers to Cuba, the current policy of familiarisation visits by missile-carrying Russian naval units, and flights by long-range reconnaissance and transport plans—will certainly arouse increased American fears.

Just why the Russians, whose foreign policy today is aimed at reaching an understanding with the U.S., should demonstrably underline their strength in Cuba and continue to pour in economic aid at the minimum, rate of a million dollars a day, is still the big question.

THOUSANDS

Exactly how many Russians there are in Cuba now is anyone's guess. They are never seen on the streets of Havana or Santiago. The lowest estimate I was given put the figure at 6,000. The highest was more than 20,000.

But what is certain is that they are there in strength in every field, military, political, and industrial.

In addition, there are thousands more from the Eastern Bloc—Bulgarian, Rumanian (drilling all round the coast for oil), and East German.

Russia has made Cuba the strongest military Power in Latin America.

Castro's Russian-trained army is bigger than Britain's, a staggering 300,000 strong.

Cuba's population, incidentally, is 8 million, the same as London. Why this massive show of strength? To my mind Russia's return, her "percentage" from this hugely expensive outlay, is two-fold.

First, she demonstrates to all Latin America her power, her wealth, her boldness, smack in Uncle Sam's backyard.

Second, and more practically, Russian aims in Cuba are strictly long-term, The country has a history of violence, bloodshed, and treachery, and popular though Castro is, it is by no means impossible that his political enemies might make an attempt on his life.

So the presence in Cuba of an overwhelmingly powerful, Communist-indoctrinated army means insurance for the Russians that even if Fidel should go, their power and influence will remain undiminished.

[From the Washington Daily News, Aug. 11, 1970]

THE MAN WHO CALLS THE TUNE IN CUBA

(By Donald Seaman)

You never see a Russian on the streets in Cuba, but they are there, about 30,000 of them.

They control all life in that tropical, crocodile-shaped island that lies only 90 miles south of Florida.

Their ships and planes run the American blockade and sustain Cuba in every sense. Take fuel: 95 per cent of the oil that runs Cuba's ships, buses, trucks, cars and taxis is supplied by the Kremlin.

And the real boss of Cuba is Alexander Soldatov, the genial, English-speaking ambassador whose last post was at the Court of St. James.

LITTLE SUCCESS

His relationship with Fidel Castro is delicate. No one orders the big, bearded revolutionary to do anything: But the Russians suggest and their suggestions are almost law.

For the past two weeks I have been the only British journalist in Cuba. Every day I watched the Russian tankers enter Havana under the walls of Morro Castle to lie at anchor and pump out the lifeblood of this 11-year-old Marxist stronghold.

Rumanian oilmen have drilled every inch of the coast with little success. The two onshore fields they have working produce only 5 per cent of Cuba's needs. So, Moscow, via their man in Havana, Mr. Soldatov, calls the tune. If he stopped the oil supplies, Cuba would grind to a halt inside 10 days.

The message has begun to sink thru. In 1968, when the Russians invaded Czechoslovakia, Premier Castro placed on record his support.

It was a major decision. Communist states everywhere were shaken by the Russian brutality. But Fidel Castro, hero in revolutionary eyes the world over came to the aid of the party.—And Mr. Soldatov will make certain he never steps out of line.

FLAT BROKE

But after 11 years of revolutionary glory, Cuba is flat broke, running up debts like a losing gambler, and going further into the red with every passing month.

Premier Castro has gone thru $2 billion of U.S. investments; a half billion dollars of military aid from Russia; direct economic aid from Russia totalling a further $2 billion and long and short term loans from the capitalist world amounting to another $200 million.

Agreed, he pays his western debtors on the nose. His credit balance of payments from this year's sugar harvest has given $200 million to play with. But it still spells bankruptcy for Cuba.

BIG PAYLOAD

The man who knows all this, who opens his wallet every day to keep Cuba alive, is Soldatov.

He ordered Castro to allow those missile-carrying naval ships to, twice in the past 10 months, maneuver off Cuba and the U.S. mainland.

He controls the intermittent but deeply worrying flights of the TU 95 "Bear" long range reconnaissance aircraft and the big payload Antonov transports.

He stations the MIGs and the radar and military advisers; he supplies teachers for Havana University and the nuclear reactor and the schools and he says how many rubles Cuba may have each day to keep running.

The name is Soldatov. He lives only 90 miles off America's backyard.

NEW ORLEANS, LA.

Senator PETER H. DOMINICK,
Senate Office Building,
Washington, D.C.:

This morning's London Express features article by its Cuban correspondent giving details of secret experimental nuclear reactor just installed after five years of training of Cuban operators in Russia with critical nuclear reactor due in 1971 or 1972. Article refers to frequent visits to Cuba of missile carrying Russian naval units, also flights of long-range reconnaissance planes and gives estimate of three hundred thousand men in Castro's Russian trained army. All data add up to urgent need for American ABM system. Believe our capacity for installation already far advanced as evidenced by ground to air missile discharged from our air carrier off north Vietnam that brought down two Russian MIGS seventy miles away. Urge every precaution for our Nation's safety.

EDWARD B. BENJAMIN.

SCHOOL INTEGRATION—A TIME TO FULFILL THE COMMITMENT

Mr. BAYH. Mr. President, integration in our Nation's schools has become an issue of primary concern and utmost priority. This issue raises not only the crucial question of racial prejudice and bigotry, but presents even more strongly the question of the future of public schools and quality education. Continued resistance to quality school integration and the delaying tactics employed by high officials are shocking, especially when one realizes the situation has reached the crisis point.

The Senator from Minnesota (Mr. MONDALE), chairman of the Select Committee on Equal Educational Opportunity, recently was a guest on the Columbia Broadcasting System's program "Face the Nation." On that show Sen-

ator MONDALE discussed the values of school integration, its prospects, and the need for national leadership in this effort to obtain equal educational opportunities for all children. He said at one point:

My position is that the only way to achieve integration is to do it responsibly, to bring the school children together in a quality environment in which quality education exists and in which everything possible is done to make it succeed. The present half-hearted system in many cases is doing great damage and to call it even desegration is to stress the meaning of the word.

When asked about the attitudes of blacks in relation to integration—especially in view of the half-hearted policy being pursued at present—Senator MONDALE said:

Should . . . frustrations continue to develop and these open and acute diversions continue to occur, if the law of the land continues just to be some sort of trick as they see it, I can see where Black America will back off the whole objective of living together in an integrated society, and if that happens, then I think the darkest predictions of the Kerner Commission could well come true.

Mr. President, in order that Members of Congress as well as citizens around the country may have the opportunity to read the full text of Senator MONDALE'S excellent remarks, I ask unanimous consent that the transcript of the interview be printed in the RECORD.

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

FACE THE NATION

(Broadcast over the CBS Television Network and the CBS Radio Network, July 26, 1970)

Guest: Senator WALTER F. MONDALE, Democrat of Minnesota.

Reporters George Herman, CBS News; Jesse Cook, Time Magazine; Daniel Schorr, CBS News.

ANNOUNCER. Senator Mondale, the Justice Department says that by fall the old segregated school system of the South will have been wiped out. You have just returned from a trip through Alabama, Louisiana, and Texas. Is school segregation about to be dead?

Senator MONDALE. I doubt it very much. I think a good deal of the job remains ahead of us. Unless we get a more complete commitment out of the Justice Department and the President of the United States, I think this fall is going to be a very difficult period indeed.

ANNOUNCER. From CBS, Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with Senator Walter Mondale, Democrat of Minnesota.

Senator Mondale will be questioned by CBS news correspondent Daniel Schorr, Jesse Cook of Time Magazine and CBS News Correspondent George Herman.

Mr. HERMAN. Senator, what did you mean by a difficult period? Do you mean there is likely to be a disruption of some kind?

Senator MONDALE. There could very well be disruption. I think there is deep remaining resistence to these court orders and there is growing concern in the black community among black teachers, among black leaders, as to the way in which it is being done.

In addition to this, there are all kinds of circuitous ways in which the resistance movement avoiding the reach of the Court orders, such as the private segregation academies and segregation within a school so that black children go to separate classes. In these ways the hope for successful desegregation or integration is being frustrated and is creating great and serious problems that could well explode.

Mr. COOK. Senator, earlier this year you charged that the President is tearing us apart on this issue and you added that his civil rights record was one of political expediency which has sacrificed the cause of human rights.

Since then, as you know, the Administration has filed a host of desegregation suits, negotiated a number of voluntary compliances from several districts, altered its tax policies on segregationist academies, and you have called this hopeful but you don't seem to have basically altered your view of the Administration's motives or record. Why is that?

Senator MONDALE. Well, I think that what is really needed is a strong moral leadership role by the President of the United States. This he has refused to supply. Instead of that, it has been a negative, half-hearted appeal to the country to comply with the law.

In addition to this, the Justice Department has been off and on again so many times that the net result is to encourage resistance to the enforcement of the law in the South. And that is why when I say I am encouraged by the commencement of these lawsuits and by the change in the tax exemption issue by the Justice Department that, too, depends upon the administration of the Justice Department, of the Internal Revenue Service, and I wait to see what happens there.

Mr. SCHORR. Senator Mondale, you call it negative and halfhearted. Senator Strom Thurmond seems to think it is going much too far and that, as a result, President Nixon may have difficulty winning the South in the next election.

Do you think you are performing a service for the cause of integration by attacking the Administration from one side while Senator Thurmond is attacking from the other side?

Senator MONDALE. My position is that the only way to achieve integration is to do it responsibly, to bring the school children together in a quality environment in which quality education exists and in which everything possible is done to make it succeed.

The present half-hearted system in many cases is doing great damage and to call it even desegregation is to stress the meaning of the word. I don't know what Mr. Thurmond has in mind, but that it what I have in mind.

Mr. SCHORR. He has in mind 100 lawyers. If those 100 lawyers are going down to help and all these court suits that have been filed and all the things that Jesse has just mentioned. They have done a lot, haven't they?

Senator MONDALE. Well, let's take the case of the so-called 100 lawyers, because I think this is typical of what this nation has seen in this Administration's policies.

First, there was an announcement of the Justice Department that somewhere around 100 Federal officials, lawyers and assistants would seek to monitor outstanding Federal Court Orders and would establish temporary offices to which complaints could be made by concerned citizens in the South.

The next day Strom Thurmond gave his speech attacking it. The following day the Attorney General said this was only a tentative plan, and the following day the President of the United States attacked the proposal of his own Administration and called it a program of vigilante movements into the South. Now, how does anyone follow a course like that and come away with any confidence?

Mr. SCHORR. But, I don't want to argue with you, but did the President attack it or did he merely try to reassure the South that these people would not be behaving like the vigilantes? In any words, change the language but go ahead with the program.

Senator MONDALE. Well, he didn't say he was going ahead with the program. I hope he does, and if he does, I will commend him for it. But at this point it appears to me that he has criticized this tentative minimal proposal of his own Justice Department

Mr. COOK. Senator, there has been a lot written and said recently in the last couple of weeks in a report to the President from members of his own Administration about the dangerously rising frustrations among blue-collar workers in the $5,000 to $10,000 a year category, 70 million Americans among them. This is the group that includes, as you know, whites most resentful of integration efforts. They can't buy their way out either by private schools or privileged neighborhoods.

How do you propose to spur integration as you have proposed on many occasions without pushing them over the brink?

Senator MONDALE. Well, I think that the first essential element is strong Presidential leadership, leadership which in strong terms says that integration is important to the health of this country and important to the education of our children.

I campaign and have campaigned for years with blue-collar workers. I wouldn't be in the United States Senate if it weren't for their support. I think they are a lot more decent and a lot more desirous of a healthy America than some people suppose, and if the President would provide the kind of leadership that this nation needs in this field and say: "Now, look, this country is tearing apart. It is becoming increasingly frustrated. The possibilities for civil disturbances and explosions are growing daily and millions of children are not getting a decent education. Increasingly we are living apart. And the curse of racism is perhaps the most serious social disease in America. And I say as the President of the United States it is time for us to start living together. It is time for us to spend the money that we need to spend for quality education to give these school children a chance, and I am asking all Americans to join me. I think if we heard that kind of talk out of the White House, we would get a much stronger response from the American people.

Mr. COOK. Senator, isn't this talk of the President providing national leadership, has he actually provided less than several previous Democratic Presidents?

Senator MONDALE. Well, first of all, I think in a sense that is irrelevant. But, secondly, I think that one of the high points of President Johnson's Administration was his consistent and strong support in these fields.

Most of the basic legislation that we now have in civil rights fields, including the Voting Rights Act, the Fair Housing Act, work protection clause, the basic Civil Rights Act, came about because of his leadership.

In addition to that, during his period of the Presidency, every Attorney General and every civil rights Assistant Attorney General was strongly committed and was seen as such by those who believed in desegregation. And during this period the Title VI office, which is the HEW office designed to use the Civil Rights Act to enforce compliance, was very active and very effectively active in trying to bring about desegregation.

In these and other ways, I think it was quite clear that that Administration was committed to the objective of desegregation, but let me say I think that is quite irrelevant. What really counts now is that Republicans and Democrats, whites and blacks, and all of us see the absolutely serious situation in which we now find ourselves and take those steps together.

Now, sometimes it misses press attention, but I have often commended this Administration when it has taken steps that I thought were in support of successful desegregation, only then to be disappointed

when they back off the things they have said. And all I am saying to this Administration, and I have said it to them privately, if you will support desegregation and quality integration, I will be the first to stand up and fight along with you to achieve that objective.

Mr. HERMAN. Senator, last night, you released two letters, one to the Attorney General, the other to the Commissioner of Internal Revenue, and those letters I note were written July 21. That is sometime ago. And in your letter to the Attorney General you say that you talk about the Attorney General's decision, rather the Assistant Attorney General's decision to send the task forces South and you say subsequent to that announcement other Administration officials, including the President, has indicated the announcement was premature, and so forth, and you go on.

Have you heard anything from the Administration since this letter of July 21?

Senator MONDALE. Mr. Thrower, the Commissioner of Internal Revenue, has agreed to testify in early August. I have not yet heard from Attorney General Mitchell.

Mr. COOK. Senator Mondale——

Mr. HERMAN. Have you heard anything from Jerris Leonard, the Assistant Attorney General in question? Is he acceptable to you as a witness?

Senator MONDALE. Well, we have already heard from Assistant Attorney General——

Mr. HERMAN. But on this particular question that you raise.

Senator MONDALE. Well, we are hoping to have Attorney General Mitchell personally testify before us. Mr. Leonard, in response to several of our questions, said that he was unable to speak for this Administration in broad public policy, and we wish that Attorney General Mitchell would come before us so we would have a spokesman who could.

I feel that this is terribly important because one thing that is happening is that in this half-hearted program, literally hundreds of thousands of school children are being put into situations which in many cases are more destructive than nothing at all. I think we need a strong program of quality integration in which we agree to work for school environments that support children getting together and learning better than they are today. And I want to hear that from one of these Administration leaders, and hopefully Attorney General Mitchell would come before us so we could find out what the real policy is and perhaps be on stronger ground.

Mr. HERMAN. Well, as you know, the Administration, especially Mr. Mitchell, have repeatedly said, observe not what we say but what we do. Now, they have made this commitment, too, in their words, wipe out the old segregated school system by this fall. What do you think we are going to see by this fall? Will there be something that they can claim is, in fact, a wiping out of segregation?

Senator MONDALE. Well, I think that is a total mystery, which is why I would like to hear from Attorney General Mitchell, and I think further that both what an Administration says and what it does is terribly important. On both levels, it seems to me, there is substantial failure and I think it is just the sheer uncertainty of President policy which is contributing to the disarray and frustration which we see throughout the country.

Mr. SCHORR. Senator Mondale, after your recent quiet one-man trip South you reported that if this massive desegregation goes as it appears now to be going without the full elimination of discrimination, private academies, a lot of evasive tactics you said there will be difficulties, trouble. Can you describe what you expect to happen if things go as they appear now to be going?

Senator MONDALE. Well, first of all, let me just comment on some of the things that I saw which we had earlier heard about.

One of the biggest things happening in some Southern States today is the development of the private segregation academy movement. This is not just a technical modest movement. This is a major development by which private segregation academies are being created and expanded to permit white children to flee desegregation schools.

Unless the Administration is serious about the enforcement of their tax-exemption policy, I think this movement will be encouraged.

Secondly, many of the so-called desegregated schools are desegregated only in the sense that the front door is one through which all students pass. After that, they never see each other again except at a distance. They go to classrooms, in many cases, in separate classes. They use the hallways at different times. Sometimes the black children are stuffed into the basement or into other abandoned buildings. Many times the black teachers are demoted or fired. I heard a great deal of that.

In addition, many of these segregation academies are being created in part through the transfer of public property as well. Occasionally a public school building is sold at a nominal price. School desks, text books, teaching materials, teaching equipment and the rest are given away or sold at nominal prices. And this is creating tremendous frustration in the South.

Mr. SCHORR. What consequences do you foresee if the schools open this way in September?

Senator MONDALE. Well, I think part of that was disclosed by this panel of young students that we had before our Committee. These are young students in their teens who had had experiences with these half-hearted, so-called desegregation experiences and it was clear that they were deeply frustrated and terribly alienated by the process.

Where that might take them, I don't know. I hope and pray that we won't have violence. We have had examples on the other side at Lamar, South Carolina, and so on, where we have seen violence erupt in opposition to desegregation. There are other examples of growing tension. I think only the strong Presidential leadership that I have talked about and strong leadership of the Justice Department, and that kind of support, will achieve enforcement of the law and bring about the kind of environment which offers hope to the school children.

Mr. SCHORR. But I have heard witnesses before your Committee say, black witnesses say, that if schools open with half-hearted desegregation, they won't take it. It won't work. It will break down again.

Senator MONDALE. Yes.

Mr. SCHORR. I don't understand what that means.

Senator MONDALE. Well, they many times spoke vaguely. Right now it is my impression that most black people still believe in integration. Thev still want to make it work, even though all of these frustrations are being visited upon them. But I am of the impression that support is beginning to wane as these events occur. Should this frustration continue to develop and these open and acute diversions continue to occur, if the law of the land continues just to be some sort of trick as they see it, I can see where Black America will back off the whole objective of living together in an integrated society, and if that happens, then I think the darkest predictions of the Kerner Commission could well come true.

Mr. COOK. Well, Senator, on that score, you billed your Committee when it began its hearings as one which would seek to develop a national demand for integration. Do you think you have actually made a dent, not just nationally, even Congressionally?

Senator MONDALE. Well, yes. In the adoption of the first section of the President's Emergency Act, three amendments that largely came out of our work and from what we were able to develop in our Committee, including requiring that it be a national program, were adopted. Those are now part of the law.

When the President's full Emergency Act comes up, I am hopeful that much of what we have learned could be used to develop legislation before Senator Pell's Education Subcommittee and, as you know, we are now going to turn to the educational problems of segregated communities in the North, and to try to explore on a national basis—we have had much testimony along that line already, but we hope to have field trips which permit us to explore some of these equally difficult and compelling problems.

Now, one of the reasons that we have begun first with this field trip that I took into the South and some of the testimony that we have had in the South is that the President sent up an emergency bill which he had proposed be limited primarily to the Deep South States, and some of the border States.

I would think it far better if it were expanded to become a national law because this is a national problem. I think anyone who tries to convert it just into a Southern problem does great injustice to the South and delays the kind of national approach that we need.

Mr. HERMAN. Are you confident about American's response to problems and challenges of this kind? One of your interests is the problems of migrant workers. Now, they were first reported in shocking detail in 1901 by an industrial commission. CBS had "A Harvest of Shame" and "Hunger in America." Now we have the NBC White Paper. And still almost nothing at all has been accomplished.

Senator MONDALE. Mr. Herman, I spend most of my time in the Senate on human problem committees. I think I am on more of them perhaps than any other member of the Senate. I have been all over this country, in its ghettos, on its Indian Reservations, migrant camps and pockets of rural poverty, white poverty, with the Eskimos and Aleutians and all over, and I must say that I am stunned and shocked by the capacity of American society to permit human deprivation when those persons lack the power which we have to speak up for themselves. Lack political power to elect persons who understand and will work for the solution of their problems. Lack economic power through any kind of decent share of the wealth or through unions. And lack the social power to be heard and understood. I do not believe that most Americans would tolerate these conditions to exist if they had to live in them themselves.

Mr. SCHORR. With all respect, Senator Mondale, it is one thing to say that the American people wouldn't tolerate them or that they do seem to tolerate them, but you had the appropriate Subcommittee in the Senate, you had another week of hearings exposing these problems. Do you fold up, having gotten all the coverage, or do you introduce some legislation? What happens in Congress?

Senator MONDALE. Well, one of the reasons I spoke as despairingly as I did is during these hearings concerns an amendment which I had led the fight on in the Senate. The amendment would extend unemployment compensation to migrant workers. We adopted the amendment in the Senate but it was knocked out by the Conference Committee and yesterday was lost on the House Floor. For a year now I have been carrying on a campaign to get the Immigration Service to enforce the law at border crossings because the real source of migrant problems is the source of poor, impoverished migrants coming up freely from Mexico.

We have gotten no response from them at all. I have been supporting and have sponsored legislation for increased authorizations for migrant health programs, migrant edu-

cation programs, legal services for migrants, and the rest, only to find that they are not either properly funded or the funds somehow get diverted into other hands.

Mr. SCHORR. So it starts in Congress.

Senator MONDALE. It certainly starts in Congress.

Mr. SCHORR. Starts in Congress with Senators and Representatives——

Senator MONDALE. That is correct.

Mr. SCHORR.—who are more amendable to the pressures of the growers than to impoverished peons.

Mr. COOK. Senator, on that score——

Senator MONDALE. If I might just respond to this, in no sense am I trying to deflect the responsibility which Congress shares. I think we are all responsible. But it is the phenomenon which I think is sometimes ignored, and that is that if you find a powerless people in America, they are usually desperately poor people.

Mr. COOK. On that score, Senator, Liberal Democrats haven't been wildly enthusiastic about the President's Welfare Reform. Wouldn't that be the direct way to help these people, to put $1600 a year directly into their pockets?

Senator MONDALE. Yes. I am one of those who believes that President Nixon's best proposal has been the family assistance plan. I would like to see it liberalized and improved, some changes made, but I think that the direction indicated by that legislation is terribly important and I have said so on many occasions.

Mr. HERMAN. The key to getting these bills that you want, this help for the poor people, and so forth, out of Congress is the election of people who think like yourself. You have a mid-term election coming up in November. How does it look to you? The Republicans seem pretty happy about their prospects.

Senator MONDALE. I don't know. I think we are going to pick up strength in the House. I think we have a very tough fight on our hands holding the Senate simply because of the 35 Senators up for re-election, twenty-five are Democratic. They control the White House and it permits the President to do a certain amount of campaigning around the country which we are now seeing. And I think we are going to have a tough year.

Mr. HERMAN. Do you find what the President has been doing this week improper?

Senator MONDALE. No. I think we can just label it for what it is. Presidents have been doing it for years. I didn't mean to imply that.

Mr. COOK. Let me push you just two years farther, Senator. There is a group of Liberal Democratic Senators, yourself among them, who might be described as the Lightning Could Strike Club, mentioned as Dark Horse Presidential possibilities. Do you consider yourself a member of that Club?

Senator MONDALE. No, I don't, and I have been impressed by how little I have been included in that list.

Mr. COOK. Impressed or depressed?

Senator MONDALE. Impressed. Let me say that I think one of the things that is terribly important is that Liberals in the Senate and in the House not all run for the Presidency. Some of us ought to stay back there and do the work and I am perfectly glad to be one of those.

Mr. HERMAN. Coming back to 1970, what do you see is the major problem for the Democrats or for the Republicans? Are you going to be helped by the state of the economy? Are you going to be helped by some of these issues like migrant workers and school segregation? Is there a national issue, in other words?

Senator MONDALE. I think the management of the economy is very much in issue. There has been a deliberate policy to slow economic growth. We have very high inflation. We have rising unemployment. We have an old economics policy which has produced both extremes and has lost us through depressed economic growth nearly $30 billion of wealth this year and perhaps $12 billion to $14 billion of revenue.

Mr. HERMAN. The President is sure to come out and say, as he has been saying all along, that Congress is doing the heavy spending while he is trying to cut.

Senator MONDALE. In fact, we have cut his budget nearly $6 billion last year. His complaint when you analyze it is not that we are raising his budget, because in fact we cut his budget last year by that amount, but that we are trying to increase spending in human problem fields of health, of nutrition, of education, and the other fields while he would have us spend billions of dollars in such things as the supersonic transport, Phase 2 of the anti-ballistic missiles, space stations and shuttle programs, and things of that kind.

I think we have helped to reshape this nation's priorities but we have got a long way yet to go.

Mr. SCHORR. Senator, you gave a properly dignified response to the lightning-might-strike question. I want to ask you a somewhat different question because I don't think any man in your position would say I am running for President in 1972.

Senator MONDALE. I will.

Mr. SCHORR. You will? How do you mean that?

Senator MONDALE. I am not running.

Mr. SCHORR. You are not running. Well, let me—that is not the question I want to ask. I accept your announcement.

Since the death of two Kennedys, there are several Senate Liberals, each of whom has taken over a part of fighting causes of the poor. Senator McGovern, there is you, and there are a couple of others.

How do you see this process of acting as the exponent for social causes? What do you see as your future role?

Senator MONDALE. I don't know but I am absolutely convinced that unless these causes are fought and won, that this country is in for very serious difficulties.

In addition to that, I can't live with what I have seen, the poverty, the hunger, the destruction of children, the disgrace of the conditions under which these people live. I just can't live with it. And I feel a duty along with many others in the Congress to do all that I can to try to get this nation to shift its policies so that Americans by the millions who are now denied will have a decent chance for a full life.

Mr. HERMAN. Senator——

Senator MONDALE. We are a long way from that and I feel deeply about it.

Mr. HERMAN. We have about 15 seconds left. In that struggle that you have just outlined, are you going to have as the Junior Senator from Minnesota to help you, Mr. Hubert Humphrey?

Senator MONDALE. Yes, I am sure we will.

Mr. HERMAN. You are sure that he is going to be re-elected?

Mr. MONDALE. Yes, I am, and I am supporting him.

Mr. HERMAN. Okay. On that note, thank you very much for being with us today on Face the Nation.

Senator MONDALE. Thank you.

SENATOR HUGH SCOTT'S RECORD ON CRIME LEGISLATION

Mr. COOK. Mr. President, the Republicans in the Senate have enjoyed outstanding and effective leadership under the tutelage of the distinguished Senator from Pennsylvania (Mr. SCOTT). Senator SCOTT is a man of independent judgment, but at the same time he couples this with tenacious advocacy of most positions of our Republican administration.

His legislative record is a model which most Senators should study being particularly sound in the crime-fighting area.

Many of us have long been aware of the efforts of our distinguished minority leader, HUGH SCOTT, in the field of anti-crime legislation, but it is now time for all Senators and the public to become familiar with this remarkable record. Therefore, I ask unanimous consent that a compilation of Senator SCOTT's legislative record in the fight against crime dating back to the 86th Congress be printed in the RECORD.

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

SENATOR HUGH SCOTT'S RECORD ON CRIME LEGISLATION

America's Number One problem is crime. Senator Hugh Scott knows that although a root cause for crime is social disorder, crime can be controlled through better laws and better law enforcement. Senator Scott has been one of the Nation's leading advocates for more money to fight crime and for the appointment of stricter judges.

Republican Leader Hugh Scott has cited organized crime as a grave threat to the security of the United States. He says that organized crime is responsible for a great deal of corruption in government. This corruption can only be stopped by effective laws designed to eliminate organized crime.

The following summary of Senator Hugh Scott's record on key crime issues illustrates how he has worked to fight crime:

91ST CONGRESS

Legislation

S. 1509—To provide for appointment of court executive for each judicial circuit to administer activities of court in order to facilitate smooth functioning of court and to ensure the defendants and the public prompt justice in all cases.

S.1510—To require each judge and justice of the United States to file an annual financial report in order to maintain judicial integrity and public confidence in the courts.

S. 1516—To establish a Commission on Judicial Disabilities and Tenure with powers to investigate any judge whose good behavior or judicial fitness is in question in order to promote the honorable and efficient administration of justice.

S. 2827—To allow college president to seek Federal court order to prevent campus disorders at any institution assisted by Federal funds.

S. 3175—To establish an Institute for Continuing Studies of Juvenile Justice to act as coordinating center for information in field of juvenile delinquency and control and to serve as training center for local, State and Federal officials who are connected with the treatment and control of juvenile offenders.

S. 3289—National Court Assistance Act—To establish an Institute for Judicial Studies and Assistance to promote the development and adoption of improvements in the judicial system at all levels, with power to make grants to local and state courts for the purpose of studying and implementing changes to ensure speedy and efficient justice in all cases.

Votes:

Voted to ratify treaty concerning offenses committed on board aircraft.

Voted for the Organized Crime Control Act of 1970.

Voted for the Narcotics and Dangerous Drugs Control Act of 1970.

90TH CONGRESS

Legislation:

S. 676—To prohibit obstruction of Federal criminal investigations by any person.

S. 917—Safe Streets and Crime Control Act—Provides for a 5-year program of planning and program grants to States and local government to plan and execute programs to improve their police, courts, and correctional systems.

S. 1033—To establish within the Department of Justice the Office for Judicial Assistance in order to make studies and disseminate information pertaining to improvement in the administration and procedure of local and State courts; authorizes the Office to make grants to courts and organizations to make studies and implement improvements in court systems.

S. 2050—To prohibit electronic surveillance by persons other than duly authorized law enforcement officers.

S. 3304—To authorize the Bureau of Prisons to assist State and local governments.

Votes:

Voted to expand Title I of the Omnibus Crime Control and Safe Streets Act, relating to the recruiting and training of community service officers.

Voted to provide that a voluntary confession be admissible in evidence in any criminal proceeding brought by the United States.

Voted to provide that a confession made while under detention shall not be inadmissible solely because of delay between arrest and arraignment of a person charged with an offense against the United States or the District of Columbia.

Voted to allow Federal courts to reverse State cases involving admissions and confessions admitted as voluntarily given in cases where the highest court of the State had affirmed.

Voted to provide that law enforcement assistance grants be made directly to the States (block grants).

Voted for the Omnibus Crime Control and Safe Streets Act of 1968.

Voted to provide that an institution of higher education, after notice and hearing to a student or an employee convicted of certain stated crimes or who had refused to obey a lawful regulation or order of such institution, could deny payment to such individual under Federal programs assisted higher education.

89TH CONGRESS

Legislation:

S. 647—To provide that convicted persons will receive credit toward service of their sentences for time spent in custody for lack of bail.

S. 1409—To authorize the Secretary of Health, Education and Welfare to make grants to public or nonprofit agencies to improve the effectiveness of State and local police forces.

S. 1808—To facilitate rehabilitation of persons convicted of Federal offenses; to permit certain prisoners to work at paid employment or undertake community training courses while continuing as inmates.

S. 2113—To authorize civil commitment in lieu of criminal punishment for certain narcotic addicts.

88TH CONGRESS

Legislation:

S. 864—To provide for right of persons to be represented by attorneys in matters before Federal agencies.

S. 1057—To provide for representation of financially indigent criminals in U.S. Court cases.

87TH CONGRESS

Legislation:

S. 403—To provide for appointment of additional circuit and district judges.

S. 2984—To establish matching grant program, under the Department of Health, Education and Welfare, to improve education, training, and recruitment of State and local police forces.

86TH CONGRESS

Legislation:

S. 818—To provide for appointment of three additional district judges for eastern, and two for western Pennsylvania.

Senator Hugh Scott's fight against crime has been cited by our Nation's top law enforcement officials. Pennsylvania's own fight against crime has been greatly aided by Senator Scott's efforts to bring in more money and more assistance under such vital legislation as the Omnibus Crime Control and Safe Streets Act. Senator Scott will continue his work to make our society a safer one in which to live.

UNJUST PUNISHMENT FOR THE AIR TRAFFIC CONTROLLERS

Mr. MONTOYA. Mr. President, as of today, 47 air traffic controllers have been dismissed by the Federal Aviation Agency for their part in the alleged sickout of controllers this past spring. This policy of FAA underscores a continuing misconception as to why employee morale is low in air traffic control and also how best to correct this situation. These dismissals are a cruel punishment, and will only serve to reduce the morale and effectiveness of the air traffic controller. To deprive the flying public of the services of these professionals, simply to retaliate against them because of their organizational affiliation is clearly inequitable.

Other Federal employees, including over 220,000 postal employees, participated in an illegal strike against the Government and to date, no recrimination or sanctions have been imposed against any of them. This clearly indicates duplicity in the application of the law and for the controller to comprehend this dual standard is rather difficult. Both the Corson committee report and recent Federal court rulings on issues related to this dispute between FAA and the controllers, clearly state that the FAA should share equal responsibility for the work stoppage in late March. U.S. Federal Judge Hart in Washington stated that the controllers acted only after "extreme provocation" by the FAA. However, it appears thus far that FAA has chosen to ignore its culpability and has passed the entire burden on a relatively few among the leadership of the air traffic controllers. In a Wisconsin case, 2 controllers received virtually identical letters of proposed dismissal from the FAA; however, only one controller, the president of the Milwaukee chapter of Patco, was dismissed. The other controller was not.

Apparently new and more rational attitudes have been adopted by Patco, and it would be logical to assume that every means which the Government commands should be utilized to encourage these new postures. The punative measures that have been applied to the controllers are clearly a further depressant and a source of constant psychological pressure to the controller. A reinstatement of those controllers already terminated, and a cessation of further punative measures would be in the best interest of the controllers, the FAA and the flying public.

COMPUTER SERVICES

Mr. JORDAN of North Carolina. Mr. President, many Members of the Senate have recently expressed interest in the development of data processing and computer techniques with a view to their application to the administrative and legislative functions of the Senate.

Recently, the Subcommittee on Electrical and Mechanical Equipment of the Committee on House Administration of the House of Representatives, authorized by contract an in-depth study of computer adaptation to activities in that body.

To keep abreast of developments in this important area of technology and specifically to study and plan for future accommodations in the Senate, I am glad to announce that at the regular meeting of the Committee on Rules and Administration, held on August 5, 1970, the Committee unanimously agreed to the establishment of a subcommittee on computer services.

The new subcommittee will consist of Senator HOWARD W. CANNON and Senator CARL T. CURTIS and myself, as chairman.

It is the subcommittee's intention to employ competent and qualified staff to work with the subcommittee and to maintain appropriate liaison with Senators, Members of the House of Representatives, officials of the Senate, related Congressional offices, the Library of Congress, the Government Printing Office, the Comptroller General, and the industry itself.

It is the hope of the subcommittee to update Senate procedures wherever feasible so that we do not fall behind the times in the use of available technology.

AMERICAN PRISONERS OF WAR

Mr. ALLOTT. Mr. President, only lately have I begun to doubt the truth of Washington Irving's maxim that the idol of today pushes the hero of yesterday out of our recollection; and will, in turn, be supplanted by his successor of tomorrow. Over 1,400 American men are still held as prisoners by the North Vietnamese under conditions that violate the Geneva Convention. These men are—and will continue to be—heroes in anyone's book, by anyone's definition, according to anyone's standards. This, Mr. President, is the truth of the matter.

REMINDER TO SENATE OF PRESIDENTIAL ENDORSEMENT OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on February 19, 1970, President Nixon broke the tragic stalemate on the Genocide Convention by requesting the Senate to move toward speedy ratification of this vital testament for human rights. I think that it is only proper that we all be reminded of this initiative by the

President on behalf of an international covenant that has been languishing in the Foreign Relations Committee for over 20 years. The endorsements of the treaty keep mounting while the effect needed to wrestle this convention from its "resting place" seem to find little open encouragement.

The Committee on Foreign Relations apparently has decided to let it lay until after the elections and I can only hope that this will be the last detour for justice. We have only ourselves to blame, Mr. President, when the cries of "hypocrite" are again levied at this Nation and its foreign policy. Ratification of this convention is one of many ways that we, as a body, and as a Nation, can give our critics pause. The need is desperate and the time is all too painfully short. We must act without regard to petty partisan pressures, for this is an issue of human rights, Mr. President. I ask Senators to please consider when, if ever, human rights should be relegated to the position of just another political issue.

Let us move toward a realistic joining of rhetoric and policy by ratification of this vital testament to the dignity of mankind and the inherent integrity of national and racial entities.

SALAMANCA, N.Y. HONORS CPL. KEITH FRANKLIN

Mr. GOODELL. Mr. President, I invite attention of the Senate to the establishment of a memorial fund to honor the memory of Cpl. Keith K. Franklin, of Salamanca, N.Y., who was killed in action in Cambodia on May 24, 1970. With the donations it has received from the residents of 20 States and nine foreign countries, the memorial fund plans to erect a plaque in Salamanca and to install an audio center in the Salamanca Library in memory of Corporal Franklin.

Senators will recall the letter Corporal Franklin wrote to his parents in which he testified to the immorality of the Vietnam war and to the lack of purpose for which it is fought. We who read Corporal Franklin's letter, which, at his request, was opened only after his death, were struck both by the eloquence with which he expressed himself and by the idealism his eloquence revealed.

Clearly, it is essential that we perpetuate this idealism by insuring that proper recognition be given to those who have responded to Corporal Franklin's last request—namely, that we devote ourselves unstintingly to bring an end to the conflict that destroyed his life, and the lives of some 40,000 other Americans. To this end, I ask unanimous consent that articles published in the Salamanca Republican-Press be printed in the RECORD.

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

MEMORIAL PLAQUE IS PLANNED FOR WAR DEAD IN INDOCHINA

Plans for a memorial plaque to honor all Salamanca area war dead in Indochina were announced today by leaders of the Keith Franklin Memorial Fund.

Plans to erect a commemorative plaque in a public place were made at a conference Wednesday night with Mayor Ronald Yehl and Mr. and Mrs. Charles B. Franklin, according to the co-chairmen of the fund, Dean Case, 113 Broad St., and James B. Weber, 821 Front Ave.

Also planned is the donation of a "listening center" for Salamanca Public Library. It would contain stereo record and cassette players with individual headphones for listening to recordings and tapes. The equipment would enable several persons to use the "listening center" at one time.

The memorial fund was organized by classmates and friends of Spec. 4th Class (Cpl.) Keith K. Franklin, 19-year-old Army medic, who was killed in action in Cambodia May 12.

So far $940 in cash was been received, the co-chairman said. Persons who made pledges and others wishing to make donations may send them to the Keith Franklin Memorial Fund, 113 Broad St.

Detailed plans for the memorials will be announced as they are developed, the co-chairman added.

FROM FAR AND NEAR: HUNDREDS OF LETTERS RECEIVED BY FRANKLINS

In the two months since Army Spec. 4th Class Keith Franklin was killed in Cambodia—in a war he had denounced as "immoral, unlawful and an atrocity"—over 500 letters, telegrams and cards have come to his parents.

The messages have been received by Mr. and Mrs. Charles B. Franklin, 323 East State St., from residents of twenty states and nine foreign countries. Some have expressed sympathy. Others have given advice to the Franklins on carrying out their son's "last request . . . to inform the American people . . . and help to bring an end to the war that brought an end to my life."

Keith's denunciation of the war was written in a letter he left with his parents before going to Vietnam, to be opened only in the event of his death. The 19-year-old Army medic was killed in action May 12. Four days later, after they were informed of his death, Mr. and Mrs. Franklin read the letter and made it public, as their son had requested.

"I have read your son's letter in our newspaper and the tears came to my eyes and I could not see," wrote Jay Robinson, a 70-year-old American living in Rome, Italy. "Your son did not die in vain. He has given in the only way he knew and could, his life to fight and expose the immoralities, the hypocrisies and colossal mistakes of our minority power groups." Mr. Robinson is a former East Asia specialist in the U.S. State Dept.

"I agree wholly with the ideas your son left to you," wrote Lawrence Bendoski, an American at Anatolia College in Thessaloniki, Greece. "I intend to devote myself ever more completely to bringing this monstrous war to an end when I return to the States."

"Keith's death was not in vain," declared Dr. Kurt Kaufmann, an American economist in Luzern, Switzerland. "It will shorten the war because his letter will move many more Americans to speak up. Therefore the life of your son will help to save lives of other American soldiers."

From closer to home, Edson Hill of East Aurora wrote, "The letter of reality which he wrote has more impact and true feeling of the reality and existence of this war than much which I have ever seen or tried to correlate with our country's endeavors in Southeast Asia."

The messages to the Franklins came after widespread publication of their son's letter. The text of the letter with the news of Keith's death was first published in the Salamanca Republican-Press. Then the Associated Press and United Press International carried stories about the letter all over the United States, Canada and South America. The New York Post had a page one article about it, as did many upstate New York papers. It was published in the Washington Post, and in papers in Florida and California. It appeared in the European Herald-Tribune, published in Paris by the New York Times and the Washington Post.

Newspaper articles with extracts from Keith's letter were inserted in the Congressional Record by Sen. Philip A. Hart of Michigan, Sen. Frank Church of Idaho and Rep. Robert L. Leggett of California.

The full text of the letter was placed in the Record by Congressman William F. Ryan of New York.

Messages from congressmen and other public officials also have come to members of the Keith Franklin Memorial Fund Committee, organized by classmates and friends. They wrote personal letters to every senator and congressman, to cabinet officers and governors of all the states. Each letter included a copy of Keith's letter.

"I share your bitterness and frustration," Sen. Charles E. Goodell declared in a telegram to the committee. "I pledge that I will continue to vehemently oppose a war that brings suffering to the Vietnamese and to Americans."

The letter-writing campaign by Keith's friends drew warm praise from Rep. Patsy T. Mink of Hawaii, who wrote:

"You are to be commended for your efforts to comply with Corp. Franklin's last request, that the American people be informed of the enormity of this atrocity. I hope you will disseminate the letter far and wide.

"Corp. Franklin saw with a perception matched by few of our national leaders the utter futility and senselessness of this war. May his legacy of common sense and hope have a profound impact on our course."

Congressman Michael J. Harrington of Massachusetts wrote to Keith's classmates:

"Your friend was wrong when he said he would die in vain. His letter has insured that he did not die in vain.

"By sharing his poignant letter with others, he will stir more people to greater opposition to a war which he accurately described as immoral and unlawful."

Meanwhile, the Keith Franklin Memorial Fund Committee, headed by Dean Case, 133 Broad St., and James Weber, 821 Front Ave., has received nearly $1,000 in gifts. Plans developed with the Franklin family and with Mayor Ronald J. Yehl, call for a plaque in memory of the war dead in Indochina to be placed in a public place, and the purchase of an "audio center" for Salamanca Public Library to include record and cassette tape players and headphones.

Contributions for the fund are still being accepted and may be sent to 113 Broad St.

THE IMPORTANCE OF THE U.N. CONFERENCE ON POLLUTION

Mr. YARBOROUGH. Mr. President, so much rhetoric has engrossed the environmental crisis that it is difficult to assess just where we stand in our efforts to insure future survival.

As my 13½ years in the Senate draws to a close, I realize more than ever how unwieldy the legislative process can be in times of crisis. To crisis, the executive and legislative branches too often respond with just more rhetoric or the appointment of a Presidential commission or legislative committees to investigate. When and if legislation is enacted, it is too often too little and too late.

This syndrome has its most dangerous manifestation in our efforts to deal with the human environment. Scientists and ecologists have been warning us for several years that we must take drastic

steps to halt the deterioration of the biosphere. Yet, the truth is that to date the response of our Government and its people has been long on words and short on effective action.

That we are courting disaster with such feeble efforts was amply illustrated by the recent smog crisis along the Eastern Seaboard. As Denis Hayes, National Coordinator for Environmental Action, the antipollution organization that coordinated last April's Earth Day, pointed out:

> A blanket of poisoned air smothered the East Coast last week and the strongest weapon any of our institutions responded with was rhetoric.

We have enacted many laws to save our environment, laws that constitute a step in the right direction. But wherever we are now proceeding in a slow-walk we must accelerate to a fast run. These recent events should indicate to us all that time could be running out. Moreover, an unavoidable fact is that the problem is planetary in scope. We must face up to the realization that our environment simply cannot be saved unless it is dealt with on a global basis.

These are strong words, but when I read of the massive air pollution over Tokyo, I become more than ever convinced of their truth.

That is why I have offered Senate Joint Resolution 156, a resolution to create an interagency commission to plan this Nation's participation in the 1972 United Nations Conference on the Human Environment.

An article published recently in the Washington Post discussed the United Nations and its role in the battle against pollution. The article makes two extremely significant points. First, as the author points out:

> Since no effort at planetary husbandry is likely to get far without the Chinese and the Russians, efforts to rope in our fellow men at the Kremlin are intensifying from month to month. Although not everybody may be prepared to believe it, the best way of going about this so far seems to be through the U.N.

Second, although U Thant is justifiably skeptical about the ability of the U.N. to preside over the decisionmaking relative to the antipollution war and the enforcement of a worldwide code, still, as the author notes, "if the U.N. cannot—who could?"

Mr. President, when it was said that the United Nations is the world's "last great hope" the author of those words must have had the environmental crisis in mind, because surely that august body, though admittedly disappointingly ineffective in many areas of human endeavor, must be the best, and probably the only, vehicle through which this planet can save itself from the waste of its inhabitants.

Mr. President, I ask unanimous consent that the article entitled "The U.N. and World Pollution" by Claire Sterling, published in the Washington Post of July 28, 1970, be printed in the RECORD.

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

THE U.N. AND WORLD POLLUTION

(By Claire Sterling)

ROME.—There was quiet dismay in U.N. circles not long ago when U Thant, in an otherwise admirable speech, seemed to hint that a new international body might be needed to cope with problems of the human environment. Among those already engaged in this pursuit are six special commissions and five specialized agencies of the U.N. itself (including FAO, WHO, UNESCO, ICSU and ECOSOC), a worldwide network of private U.N. Associations (UNA's), the Council of Europe (CE), the Organization for Economic Development (OECD), NATO, the Common Market's European Economic Commission (EEC), Eastern Europe's Comecon (CMEA), and at least 23 other inter-governmental or private bodies bearing such impenetrable acronyms as EPPO, IWSA, OFPW, ICPDP, CEIF, ICAO, OMCO, ECMT, IRF, UITP, IULA, IFHP, IATA and STICHTING CONCAWE.

There is plenty of room in the field, of course, considering the subject's complexity and the gaps in our knowledge that have been coming to light recently. Among other things we've discovered rather late in the day is the fact that scientists still aren't sure how much carbon dioxide we can inject into the atmosphere before heating it up enough to melt the polar icecaps, how much smog can cut off the sun's rays without bringing a new Ice Age upon us, how many germs per cubic centimeter of water we can swallow and live, how much better or worse off the human race would actually be for using or banning DDT.

Nevertheless our sources of pooled information are certainly improving. Not all the international bodies listed above have gotten past the windy stage of expostulation and exhortation, but several have. The OECD, whose member-states include most of Western Europe as well as Canada and the United States, is by all accounts the most efficient. It has already completed an exhaustive study on noise and begun another on the air. Its efforts are directed mainly toward standardizing data and examining possible remedial action—how much it will cost, who should pay, and so on.

The Council of Europe has also produced useful country studies; and others are being prepared for a new arm of NATO designed to defend the Atlantic Alliance against *everything*, called the Committee on the Challenge of Modern Society (CCMS). Insofar as the CCMS is meant to command governmental attention at the highest levels, President Nixon's initiative in proposing it last autumn was commendable, especially since his proposal was accompanied by a very handsome offer of financing. All the same, several of our NATO partners didn't like it (and still don't) because of a certain parochial quality they feel we ought to be rising above.

It's the Russians we're after, really. (They may say that "socialism, with its respect for nature, protects the health of all men, even in the capitalist world," whereas capitalism does the opposite. But the condition of the Baltic and Caspian Seas, not to mention the once crystal-pure Lake Baikal in Siberia, scarcely confirms that.) Naturally, the Chinese should be in on this too. Apart from participating in the weather-watching World Meteorological Organization (WMO), however, they are apparently not about to join anything. Since no effort at planetary husbandry is likely to get far without the Chinese *and* the Russians, efforts to rope in our fellow men at the Kremlin are intensifying from month to month. Although not everybody may be prepared to believe it, the best way of going about this so far seems to be through the U.N.

The U.N.'s Economic Commission for Europe (ECE) is in close touch with Soviet and other Eastern European leaders, to prepare for a continent-wide conference of industrialized nations on the environment in Prague next May. That conference will prepare in turn for a planetary summit meeting to be held in Stockholm under U.N. auspices for the following year. Theoretically, the thousand delegates to the Stockholm gathering will already have reached the stage of drawing up guidelines for planet-wide environmental codes. What progress may be made in that direction by a thousand delegates sitting in one room—all presumably having to refer back to their governments—may be open to question. It is interesting, though, that every step in the U.N.'s laborious preparations for the Stockholm Conference has been endorsed unanimously since Sweden first proposed it two years ago.

On the other hand, the U.N. forum is distressingly *public*, something from which Soviet leaders tend automatically to shy. They are inclined therefore to be more relaxed in discreet encounters between their own and other private U.N. Associations, especially ours: Arthur Goldberg's visit to Moscow last summer under such sponsorship ended in a promising agreement for joint studies, if only in parallel.

Still more privately, Premier Kosygin's son-in-law, Gherman Gvishiani, has discussed a projected series of computer-based systems anaylses with McGeorge Bundy, who has, since President Johnson asked him to in 1966, been trying to "explore the state of international knowledge about some of the larger problems faced by the industrialized societies." And even *more* privately, Gvishiani has been approached by an intriguing and almost clandestine band of 30-odd international experts from almost as many countries who call themselves the Club of Rome.

The Club's prospectus is rather daunting semantically, speaking as it does of "heuristic approaches," "decision-effectivity time-spans," "diseconomies," "metabolic relations," and 47 planet-wide "Continuous Critical Problems (CCP's)" which must be "cognized" before the time-spans run out. Actually, the Club's project is wildly ambitious and altogether absorbing a computer-based effort to build three-dimensional models of the 47 CCP's, measure their effects upon one another, and observe their effects as they expand with time. The fact that computers will be provided for this study by the august Batelle Institute in Geneva and that the working group will be directed by Dr. Hasan Ozbekhan, head of King Resources' Computer Division in California, who is considered by those who know him to be a genius, suggests that this effort to achieve "a leap in inventiveness . . . surpassing conventional wisdom" is being taken quite seriously.

One gathers from all this information collecting that we may be able to move on before too long from the elementary study level to the more tormented one of decisionmaking. Maybe U Thant is right in his exquisitely delicate skepticism about the U.N.'s capacity to preside successfully over planetary deliberations at that stage. If the U.N. cannot, however, who could?

PROXMIRE-SCHWEIKER C–5A AMENDMENT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a statement issued jointly by the Senator from Pennsylvania (Mr. SCHWEIKER) and me yesterday concerning our amendment on the C–5A be printed in the RECORD.

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

PROXMIRE-SCHWEIKER STATEMENT

Sen. William Proxmire (D-Wis.) and Sen. Richard S. Schweiker (R-Pa.) said Tuesday that they had sent letters to fellow Senators seeking co-sponsors for their amendment to restrict use of a requested $200 million contingency fund for the C–5A transport.

Termed a "keep building the planes" proposal, the Proxmire-Schweiker amendment would do the following:

Limit use of $200 million contingency fund requested in the fiscal year 1971 military procurement authorization bill for the C–5A to only two situations: (1) settlement of outstanding contract disputes over the C–5A between the prime contractor, Lockheed Corporation, and the U.S. Air Force in favor of Lockheed by the Armed Services Board of Contract Appeals or a Court, or (2) determination by a court-appointed trustee, in either a bankruptcy or reorganization situation, that all or part of the $200 million fund was necessary to insure delivery of the 42 planes due under the contract by June 30, 1971.

Require a Comptroller General report to Congress and the Secretary of Defense on Lockheed's financial capability of meeting fiscal year 1971 contract requirements:

Require a second Comptroller General report on the prospects and costs for Lockheed to deliver the full 81 planes currently ordered by the Defense Department.

Direct the Secretary of Defense to give top priority to the C–5A in any legal proceedings, and to insure the government interests in contract performance are fully represented.

Proxmire said, "Initial low-bidding, and subsequent bad management have created the enormous cost-overruns on the C–5A, resulting in the current Defense Department request to bail-out Lockheed. Senator Schweiker and I are introducing this amendment to insure that the government gets the planes we've ordered, but to also insure that we don't simply reward bad management."

Schweiker said, "Merely handing-out $200 million, which undoubtedly will just be the first in a series of give-aways to keep the C–5A program going, cannot be tolerated by Congress if we are ever going to curb defense procurement cost-overruns and bring business efficiency to our procurement process. Senator Proxmire and I feel strongly that now is the time for Congress to draw the line, and impose controls on corporate mismanagement."

In a joint letter to Senate colleagues urging support of this C–5A amendment, Proxmire and Schweiker said:

The bill contains $200 million in contingency funds. This request is in dispute because:

(1) The Air Force insists that it does not owe the money, although the Defense Department estimates that an additional $800 million, over and above the money already appropriated or contained in this bill, will be needed to complete the 81-plane program.

(2) The Company insists that it will have to default on its contract if it fails to get the $200 million. But it also says it needs nearly $600 million over the contract price to keep solvent. We are asked to take it on faith. The $200 million is only the first step.

(3) It would set an unconscionable precedent. If Congress or the Pentagon puts up $200 million to "bail out" Lockheed under these conditions, hundreds of unsupported claims of government contractors will follow. It would support mismanagement and perpetuate our bad military procurement policies.

Our amendment would make certain that the planes *were* produced and the employees kept at work without setting any of these highly undesirable precedents. It provides that the $200 million could *not* be expended unless it is determined by the Armed Services Board of Contract Appeals (ASBCA) or the courts that it is either *owed* to the Company or is *needed* by the Company.

PRESIDENTIAL VETO OF EDUCATION BILL

Mr. BENNETT. Mr. President, yesterday President Nixon vetoed the HUD-Independent Offices and the Education appropriation bills. With each passing month it becomes more obvious that the American people have elected a President who has a great deal of courage, wisdom, and commonsense. In Congress, however, and particularly among Members of the opposition party, the President is being ridiculed and attacked for his veto.

Having inherited one of the worst cases of inflation in the history of the United States, President Nixon decided, wisely I believe, that to bring it under control was the number one domestic priority. He is doing that, and with a minimum of economic disruption for the country. His policies are taking effect, and his popularity is at an alltime high as shown by the latest Gallup poll. Experiencing success in his fight against inflation, the President realizes the great damage and setback that would be dealt to our economy if he were forced to accept the deficit spending continually imposed upon him by the Congress.

We all know that one of the main causes of this inflation was the long series of severely unbalanced budgets of the previous administration. President Nixon has wisely rejected that course and has vowed to keep the budget balanced or as close to that as possible. His veto message to the House of Representatives should be read by every American. We should not forget that his request for education funds was 28 percent higher in this fiscal year than in the last fiscal year of the Johnson administration. This was a total increase of $972 million over fiscal year 1969. Total Federal Government spending in the field of education for fiscal year 1971 will represent $12 billion, the highest figure in our history.

The President's request for urban renewal, water and sewage grants and housing subsidies was double the money figure spent in the last year of the Johnson administration.

Let there be no mistake the President is reorienting our domestic priorities. He is channeling more funds than ever before into our critical domestic needs; and at the same time, he is winning the battle against inflation.

It took a great deal of courage to veto these bills; but as his courage is increasingly understood by the American people, his popularity among the voters and their support for him grows. I am sure his political opponents find this very exasperating, but those of us who support and believe in the President know that it stems from wise policies and responsible action. Many people are legitimately asking the question what this means for school funds. The Congress will reconsider the bills, but no one can predict at this point the outcome. However, I assure our education people in Utah and throughout the Nation that it will be responsible and that funds will be available to operate long-standing and new education programs.

I call upon Congress and all Americans to stand with the President in his effort to avoid an even higher cost of living, higher interest rates, and higher taxes. Certainly, Mr. President, another chapter has been written in Mr. Nixon's "profile of courage."

DAIRY IMPORTS: THE NEED FOR AN OVERALL QUOTA

Mr. PROXMIRE. Mr. President, import controls over dairy products shipped to this country are slowly but surely collapsing. Importers are mocking our laws. They are using loopholes in the individual product quota descriptions to bring in tons of damaging products. These imports, which violate the spirit of our laws, are costing the American taxpayer millions of dollars. The price support program is having to pay for the domestic products displaced by these imports, which violate the spirit, if not the letter of the law.

Recently, I submitted testimony to the Tariff Commission which discussed the current problems with our system of dairy import controls. I proposed to the Commission that it recommend to the President that he use his power under section 22 of the Agricultural Adjustment Act to set an overall dairy quota. This quota should be based on all dairy products imported for consumption during the 5 calendar years from 1961–65. It is my feeling that such an overall quota would eliminate the loopholes created by individual product designations.

Mr. President, it is unfair for the American taxpayer to have to pay for an inept system of import controls. I would like to go on record once again, as I have so many times before, as supporting fundamental reform in our dairy import controls. I ask unanimous consent that my testimony before the Tariff Commission be printed in the RECORD.

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

DAIRY IMPORT TESTIMONY OF SENATOR WILLIAM PROXMIRE, SUBMITTED TO THE TARIFF COMMISSION, JULY 28, 1970

Mr. Chairman, I am disappointed to have to submit this testimony to the Tariff Commission today.

Unfortunately, the Dairy Import Control System of this country has turned into a giant game. There is no doubt the importers are winning this game. Even as we meet dairy importers are plotting their next evasion of the law. And as they win, the American taxpayers lose.

For every billion pounds of milk equivalent the government is forced to buy under the price support program, the American taxpayer will have to pay about $55 million.

Why are the taxpayers being taken to the cleaners with such ease? Well, Mr. Chairman, as you know it is in part because the Tariff Commission and the Department of Agriculture have been handcuffed by current laws and unfortunate precedents. It is in part due to the failure of the Treasury Department to impose countervailing duties on export subsidies. And it has been partially due to disastrous misclassifications by the Customs Bureau.

Mr. Chairman, in 1953 when Section 104 of the Defense Production Act expired and

Section 22 proceedings were instituted, this country made the mistake of setting import quotas on individual daily products instead of asking for overall limits.

We relied on measurements of fat solids instead of milk solids. Today, however, it is possible to manipulate fat content with such ease so as to avoid the quota cutoff level by a fraction of a percent. If we set the quota for all cheese above, say, 0.4 percent butterfat, importers will bring in 0.39 percent butterfat cheese.

Today we are examining the fourth ice cream mix. Importers have adjusted the butterfat content of their mixes so as to avoid the wording of the quotas each time they were set.

Individual product designations have made a mockery of our import quotas. Nowhere was the inadequacy of our system of designations so obvious as when the President declared the quota on Italian cheese in the original loaf. All the importers did was cut the loaves in half and put them back in the original boxes. They were then allowed to come in outside the quota.

Mr. Chairman, when all importers have to do is cut loaves of cheese in half to avoid quotas, I say it is time for radical reorganization of our dairy import quota system. Individual product designations have shown themselves to be totally inadequate as has the system of divided authority. This divided authority creates conflict between the Customs Bureau and the Department of Agriculture. We must act to move away from these anachronisms.

It is crucial that two major changes be made in the dairy import quota situation. First, the power to determine which products are included under the quotas should be shifted from the Bureau of Customs to the Department of Agriculture. The Bureau of Customs has demonstrated it has neither the will nor the technical expertise to prevent costly evasions of the law. The Monterey cheese and ice cream products we are examing today attest to this fact.

I have introduced a bill in the Senate which would allow the Department of Agriculture to determine which products fall under quota designations. I ask the Tariff Commission to recommend to the President that he support my bill or a similar proposal. The system of divided authority has shown itself incapable of enforcing the letter or spirit of the law. Every day this negligence continues, the cost to the taxpayer goes up. We must, therefore, invest the responsibility in a body which has shown the interest and capability to protect the price support program.

Second, we must act to provide overall rather than individual product designations. I ask the Tariff Commission to recommend to the President that he ignore the precedents which have been set and declare an overall quota. This quota should be based on all butterfat, nonfat milk solids, casein or caseinates imported for consumption during the five calendar years from 1961 through 1965 or about 844 million pounds milk equivalent. There is nothing in the Agricultural Adjustment Act or any other statute that I know of which would prohibit such a proclamation. In fact, Section 22 (7 U.S.C. 624(b)) states: "that in designating any article or articles, the President may describe them by physical qualities, value, use or upon such other bases as he may determine." Apparently the intent of the Act is to give the President the widest possible freedom in determining how to cope with threats to the price support or other programs of the government.

It appears obvious to me that a threat to the price support program exists. It is further obvious that the present system of individual product quotas is an ineffective means of controlling the threat. It would seem both appropriate and necessary for the Tariff Commission to recommend that the President institute overall quotas. I think such a proposal falls well within the President's request for the Commission's "recommendations."

What I am proposing is that the President, by proclamation, put into effect the provisions of my Dairy Import bill. This is the bill that so many Congressmen have supported for years as the best existing possibility for protecting the price support program. Once the President had set an overall quota, the Secretary of Agriculture could then recommend the method and means for allocating the quota among individual products.

I would hope that in his original proclamation of an overall quota the President would provide that the quota could be increased or decreased automatically if the domestic consumption of dairy products varied from the 1961–65 level.

The first Presidential proclamation of an overall quota should also leave some room for the admittance of new products in the market upon the recommendation of the Secretary of Agriculture.

While an overall quota appears to be the only sensible way of protecting the price support and other government programs, I am not overly optimistic that it will be adopted. For several years now, strong political forces have blocked the clear and rational response to the dairy import threat. These forces are probably still strong enough to block the required radical change.

Thus, viewing the situation realistically but hoping the Tariff Commission will take a courageous stand by recommending to the President an overall quota, I will now address myself to the individual product quotas listed in the hearing notice. I do so viewing anything this Commission might do on these items as a stop-gap measure. In fact, if this Commission does not recommend an overall quota it might just as well begin scheduling the next round of dairy import hearings today.

I now wish to discuss both the items listed in the Section 22 hearings ordered by the President and the Section 332 hearings ordered by the House Ways and Means Committee. Hopefully, the very discussion of these items will emphasize the innate weaknesses of the system of divided authority and individual product quotas.

THE SECTION 22 HEARINGS

Ice cream

The evasion of the ice cream quota is a perfect example of the problems created by divided authority and of the ease with which importers can evade quotas by merely varying the proportions of ingredients.

The product we are discussing is about 24 percent butterfat, 14 percent nonfat milk solids and 17 percent sugar. With such a high fat content, this product could not possibly be eaten as ice cream. Furthermore, since it comes from hoof and mouth disease countries, it would be subject to stiff hoof and mouth regulations if it were labeled as ice cream. The Customs Bureau, however, has labeled this product as ice cream thus enabling it to avoid the quotas on ice cream mixes. At the same time, the Department of Agriculture, seeing the product for what it is, labeled it an ice cream mix thus enabling it to avoid the disease regulations.

And who pays for this difference in opinion over the classification? The American taxpayer. Last year over 20 million pounds of this product entered the United States. In the first five months of this year another 18 million pounds came in. One industry source has computed that these imports have thus far cost the taxpayer some $8.9 million because of price support purchases made through the Commodity Credit Corporation. This is a travesty of our import laws.

Even if the Tariff Commission acts to stop the imports, will we have solved the threat to the price support program? Well, unfortunately, this is the fourth ice cream product to evade the quota. The first product contained over 75 percent butterfat. The next one avoided the quota by moving to 45 percent butterfat content. The third product avoided quota by being packed in retail containers. Now importers have moved the butterfat content down to 24 percent to avoid the quota. This evasion should provide strong evidence of the need for an overall quota.

This ice cream product has no historical basis. It is an obvious evasion product. The Agriculture Department feels as I do that the ice cream should be included under existing butterfat-sugar mixture dairy quotas. In a letter to me dated August 22, 1969, they stated "The Department believes that the classification decision by Customs was made in error, perhaps on the basis of insufficient information. We have taken up the matter with the Treasury Department and recommended that the product be reclassified." The Tariff Commission should recommend such a change in the quota, a change Customs could not ignore.

"Skim milk" cheese

When President Johnson made the last major dairy quota proclamation on January 6, 1969, he worded the cheese item to include "cheese . . . containing no butterfat or not over 0.5 percent by weight of butterfat." This presented an obvious loophole. Any cheese with less than 0.5 percent butterfat was free to come into the United States in unlimited quantities.

And importers have been taking advantage of that huge loophole. Last year they brought in over 2.8 million pounds. Unfortunately it seems as if the worst is yet to come. In the first five months of this year almost 4.5 million pounds of the low-fat cheese has been brought in.

This skim milk cheese item is blended with whey and milk powder to produce low fat cheese spreads. The product has the potential of driving out domestically-produced cheese from the market. The result, of course, is a burden to the price support program. I believe these low fat cheeses are "practically certain to be, imported under such conditions and in such quantities as to . . . materially interfere with the price support programs," and as such should be placed under the cheese quota.

SECTION 332 ITEMS

Lactose

Lactose is a form of milk sugar derived from whey. It can be used in the production of items such as low fat milk, candy, baby foods, ice cream, and frozen dairy products. It has historically been used by the pharmaceutical industry.

The danger from lactose is twofold. First, it affects the price support program and, second, it endangers the domestic outlets for whey and thereby endangers anti-pollution efforts.

The imports of lactose are rising dramatically. In 1968 they were only 374,000 pounds. And in the first five months of this year imports totaled 2,302,000 pounds. This represents 515 percent of the imports during the same five-month period last year. Since lactose displaces a market for non-fat milk, it would seem that the price support program could be in severe danger from the increase in its importation.

The price support danger, however, is no less than the danger to the environmental programs of the Agriculture Department. There was a time when cheese manufacturers dumped whey into streams and rivers creating a source of pollution. Other manufacturers clogged up sewage disposal plants since whey is very difficult to break down chemically.

At great expense and difficulty, Agriculture and the manufacturers developed a method

of producing lactose from the whey. They then found and created markets for this lactose. However, the recent imports of lactose are now threatening those markets and thereby endangering the environment.

For two reasons, the threat to those programs providing an outlet for whey and the danger to the price support program, the Tariff Commission must move to restrict imports of this substance. Presently, lactose is classified as a chemical. It should be classified as a dairy product and placed under quota.

Chocolate crumb

Chocolate crumb is one of the most damaging items coming into the country through a current dairy import loophole. The 17,000,000 pound quota for chocolate crumb is outrageously high. And now importers have begun to evade this outrageous quota by importing crumb containing less than 5.5 percent butterfat.

Using both low fat and normal chocolate crumb mixes, importers are bringing surplus milk solids into this country at bargain rates. In fact there is some evidence to suggest that chocolate crumb imports have ruined the whole milk powder industry and are jeopardizing the few companies still operating.

It should be noted that domestic chocolate crumb usage in the United States never exceeded 3 million pounds per year. The imported crumb is thus obviously replacing roller whole milk powder. The result is a burden to the price support program.

It came as a shock to us all when President Johnson set the quota at 17 million pounds especially after the Tariff Commission and Agriculture Department recommended quotas of around 10 million pounds and the current Chairman of the Tariff Commission recommended only a 2 million pound quota. The quota set was 170 percent higher than the historical usage of crumb from 1955–1969. This quota should be cut back to 2 million pounds. Furthermore, the 5.5 percent or less butterfat-content crumbs should be placed under this quota.

The chocolate crumb loopholes are having drastic effects on the dairy industry and the price support program. They must be closed immediately.

The 47-cent price break

No provision of the import quotas have provided a more joyous field day for the dairy loophole finders than the 47 cent price break.

Under the 47 cent price break, Emmenthaler, Gruyere-process, and "other" cheese quotas only apply to those items priced under 47 cents per pound. However, since the support price is now 52 cents a pound, it is relatively simple for importers to undercut domestic cheese prices and thereby force the government to buy cheese under the price support program.

Furthermore, as I have said many times, the price break is being easily bypassed by the use of rebates and special pricing arrangements. This spring I discovered and brought to the attention of the government the use of a special account to circumvent the price break by one German company. I have in my possession a letter from that firm to an American firm which proves the existence of secret rebates. The letter reads in part: "Furthermore you need an import license for cheese if the price per pound f.o.b. Hamburg is under U.S. 47 cents. In order to avoid this we will increase the price to U.S. 48 cents per pound and the difference in amount will be credited to a special account."

The most recent tactic used by price-break evaders is a dehydration technique. Cheese that would normally cost as little as 29½ cents per pound with normal moisture content has a value of 47 cents per pound when the moisture is removed.

According to unofficial sources, some 1 million pounds of dehydrated cheese have been imported already this year at prices ranging from 47 cents to 52 cents a pound. If they contained a normal amount of moisture, these products would sell at 29½ to 32½ cents per pound, or well below the price break. The Tariff Commission should recommend that the wording of cheese quotas specify a specific moisture range. Hopefully the Commission will go even further and recommend the abolishment of the price break altogether.

The 47 cent price break is one giant loophole and should be abolished. Its continued existence is one of the most severe threats to the price support program and, through that program to the American taxpayer.

The New Zealand quota

New Zealand is allowed a quota of 7.5 million pounds for "other cheeses." This makes absolutely no sense because of the fact that New Zealand has no historical record of sending these cheeses to the United States. Furthermore, since Section 22 of the Agricultural Adjustment Act specifies that new quotas be established on the basis of imports during a base period the New Zealand quota would appear to contravene the language of the section.

Cheese which is allowed to be imported which has no historical record can do nothing but increase the payments which must be made under the price support program. The Commission should recommend the complete elimination of the New Zealand "other" cheese quota.

The quota items I have commented on here are probably the best available evidence in support of an overall quota and an end to the system of divided authority. The history of dairy imports in this country since 1953 is one of repeated failure of the import quotas to protect the price support system. It is time we acted on behalf of the taxpayers to protect that system.

The President has asked the Tariff Commission for its recommendations on a specific list of dairy products. I hope the Commission tells the President that it feels the only way to protect the price support program with reference to these specific products and all other dairy products is by the institution of an overall dairy quota.

Mr. Chairman, the invasion of non-quota products in contradiction to the spirit of Section 22 of the Agricultural Adjustment Act is shameful. The Tariff Commission is in a position to help enforce that law and protect both the American taxpayer and the dairy industry. By recommending an overall dairy quota, the Commission can help halt this "invasion by evasion."

ROY W. HARPER

Mr. SYMINGTON. Mr. President, one of the great jurists of this country, Chief Judge Roy W. Harper, of the U.S. District Court for the Eastern District of Missouri, has announced his retirement as chief judge as of last July.

This decision will be deeply regretted by Missouri and the Nation. Not only because he is my respected and beloved friend, but also because it is common knowledge in our State that no jurist in memory has been accorded more respect than Judge Harper. He has been an honor to his profession and would have been a worthy candidate for the Supreme Court of the United States.

Roy Harper was born on July 26, 1905, in Gibson, Dunklin County, Mo. His parents were Marvin H. and Minnie Brooks Harper. He attended the public school of Steele, Mo., where he graduated from high school in 1923. After graduation he attended the University of Missouri, Columbia, Mo. There he was a member of the track team from 1926 through 1928 and the cross-country team from 1926 through 1927, which he captained in 1927 and coached in 1928. He graduated from the university in 1929 with A.B. and LL.B. degrees. While in law school, he was a member of Delta Theta Phi legal fraternity.

Judge Harper was admitted to the Missouri bar in 1929 and became associated with the Shell Petroleum Co. in St. Louis, Mo. In 1931 he returned to his hometown of Steele, Mo., to practice law. In 1934 he moved to Caruthersville, Mo., and became a member of the firm of Ward and Reeves. During the 1930's Judge Harper gained prominence as an attorney in Missouri. He was also active in civic and political organizations such as the Jaycees and Missouri Young Democrats. He became a close friend of Harry S. Truman of Independence, Mo.

In 1941 Judge Harper married Ruth Butt of Blytheville, Ark. They have two children, Katherine Brooks Harper and Arthur Murray Harper.

Judge Harper served his country well during World War II. He entered the U.S. Army Air Force on January 29, 1942. He became a second lieutenant in September of 1942. He served 31 months in the Southwest Pacific with the 35th Fighter Group. He was released from the service on September 30, 1945, as a major and served as a colonel in the Air Corps Reserve. While in the Pacific he was awarded the Bronz Star.

After the war, Judge Harper returned to the practice of law in Caruthersville. In September 1946 he became chairman of the Democratic State Committee of Missouri and served until August of 1947.

Judge Harper was appointed as judge of the district court by President Truman on August 7, 1947. He took the oath of office on August 11, 1947, and has served continuously since that date. During his years on the bench Judge Harper has been held in high esteem by the members of the bar. He has a reputation as a stern, but very fair judge. He is likewise held in high regard by fellow members of the bench.

Judge Harper's accomplishments while on the bench are many. He has had great success in controlling the docket of the eastern district of Missouri. The judges in his district under his leadership have made an outstanding record in the prompt and efficient disposition of a very heavy caseload. The statistics submitted by the Administrative Office of the U.S. Courts show that he has done a remarkable job in keeping his docket current. There is no district of comparable size that can equal this record.

Judge Harper has often been called upon to solve difficult assignments in districts other than his own. These assignments have imposed additional and often heavy burdens upon him, but he has always responded to requests to serve. For example, he went to racially-troubled Little Rock, Ark., in 1957, to help handle the crowded docket, and

later went to Oklahoma to conduct several major income tax evasion trials, involving a judge of the supreme court of Oklahoma. Because of his excellent reputation as a trial judge, he has often been called upon to go to another district to try cases so that docket pressure might be reduced.

Judge Harper has many accomplishments and has made many contributions within the judiciary. He became the chief judge of the eastern district of Missouri in 1959. He has served as the district court representative to the Judicial Conference of the United States. He has also served as the program chairman for the Eighth Circuit Judicial Conference. For several years he has been chairman of the Committee on Inter-Circuit Assignments of the Judicial Conference.

Judge Harper has been active in many organizations and has received many honors during his distinguished career. He is a member of the American, Missouri, and Pemiscot County bar associations. He was an honorary initiate into the Order of the Coif in 1958. He has been honored several times by the University of Missouri School of Law. The law school has recently announced the creation of the Roy W. Harper Prize in Federal Procedure. He is a member of Steele Lodge 634, A.F. & A.M. of Steele, Mo. He is a member of the Scottish Rite—KCCH—Shrine—member of board of St. Louis Shrine Hospital—and is a 32d degree Mason. He was the recipient of the DeMolay Legion of Honor in 1957, and is a member of the Grand Order of the Grand Lodge of Missouri.

After Judge Harper's retirement is accepted by the President, he plans to continue working in Missouri and in other parts of the United States where his services as a judge may be needed.

I ask unanimous consent that an article published in the St. Louis Post-Dispatch of August 9, 1970, with respect to this outstanding Missourian be printed in the RECORD.

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

JUDGE HARPER PHASING OUT CAREER

(By David R. Wallin)

When United States District Judge Roy W. Harper steps down as chief judge and assumes the status of a senior judge of this district, it will mark a new phase rather than the end of a 23-year career on the federal bench. Judge Harper notified President Richard M. Nixon on July 27 that he wants to retire.

"I don't think the change will make any major difference from a practical viewpoint, at least for a few months," Judge Harper explained. "When the President accepts my application I expect to continue to handle a regular full docket, at least until my successor is appointed and sworn in.

"The caseload in the district has gone up substantially. About 50 per cent more cases have been filed in the first six months this year than last. Our dockets are in excellent shape here, but it wouldn't take long to fall behind if the district was a judge short. I don't want that to happen."

Sincere concern that the court keep current with its work is characteristic of Judge Harper. His first major task when he succeeded the late George H. Moore as chief judge in 1959 was to clear a backlog of cases. Judge Moore's health was failing and the bulk of the work fell on Judge Harper and Judge Randolph H. Weber.

Two years of hard work bit into the backlog, but then Judge Weber, who had appeared in good health, suffered a fatal heart attack, and cases again began to accumulate. When the court returned to full strength with the appointment of Judges James H. Meredith and John K. Regan to succeed Judges Weber and Moore, the backlog finally was cleared. For several years the district has been among the top rated in the nation for currency of dockets.

"Even after my successor is sworn in I don't expect just to sit around," Judge Harper said. "As long as my health is good I'll probably be working at least two thirds of the time."

As a senior judge, Harper will continue to receive his full $40,000 annual salary for life. He may have cases assigned to him, either in St. Louis or elsewhere, by the Chief Justice of the United States Supreme Court, or by chief judges of the district and appellate courts.

Judge Harper's decision to retire as a district judge was not unexpected. For several years he has been a strong proponent in the judicial conference of mandatory retirement for judges at 70, with earlier retirement recommended.

Judge Harper reached 65 on July 26. In line with his previously expressed viewpoint, he sent President Nixon a letter the next day asking that he be retired to the status of senior judge immediately or at a date selected by the President. He also voiced his willingness to accept cases sent to him, noting the fact that his health is good.

It can safely be predicted that Judge Harper will not sidestep any cases offered, merely because they are "hot potatoes" or long and involved.

He says he holds the record for length of a trial in federal court here, a five-month hearing of charges in 1954 that five Communists had conspired to overthrow the Government. All five of the defendants were convicted and sentenced, but the Supreme Court held the statute unconstitutional in another case while the case was on appeal.

A few years ago he accepted assignment to an Oklahoma trial in which two state judges were charged with income tax evasion and a former mayor of Oklahoma City with perjury. Three long and involved bankruptcy cases he heard included one involving a hydroelectric firm in Iowa, the N. O. Nelson Co. here and the Federal Grain Co. at Cape Girardeau. The latter firm was operated under court trusteeship until all creditors had been paid in full except one who had reached a previous settlement.

A more recent "hot potato" was a trial in which he held that individual directors of a group of insurance firms, many of them prominent St. Louisans, were individually liable for expenditures by officers of the firm. Judge Harper propounded a new concept, that directors had an obligation to know what the officers were doing, rather than merely lending their names. The opinion, which was not appealed, had far-reaching implications, and copies were requested from all parts of the United States.

Judge Harper has been criticized at times—off the record, of course—for the stinging lectures he occasionally gives lawyers who appear before him. He has little patience with attorneys who fail to prepare cases before coming into the courtroom, and one such lecture usually is enough to prevent a recurrence.

"I'm hoping that when my successor and the fourth judge recently authorized are appointed, we can get back to the easier-going days that we had before the dockets got so heavy," Judge Harper said. "The way things are now, there's no time to be easy-going.

"I have only one basic philosophy in conducting a court: When a lawyer files a case, he should be willing to try it. Too often the courts are blamed for a backlog when the fault is really with lawyers who don't want to go to trial.

"I've worked out one system. When a case is set for trial and the plaintiff's lawyer asks for a continuance. I tell him. 'Well, go back to your office and write your client a letter. Tell him the case is set for trial, the court is ready for trial, but you aren't ready and have asked for a continuance. Send it to him by registered mail and send me a copy and I'll give you a continuance.'

"You'd be surprised how many lawyers get ready for trial instead of writing that letter. It won't work with defendants' attorneys, of course, because usually neither the defendants nor the lawyer wants to go to trial."

Judge Harper has been criticized at times for giving defendants convicted of draft evasion the maximum five-year prison sentence. But he has an explanation.

"I have no sympathy with draft evaders but I'd like to emphasize that this doesn't extend to true conscientious objectors," he said. "Conscientious objection is a basic belief, not something you develop the day you are notified to report to your draft board.

"The conscientious objector is protected by the Constitution and should not be criticized for his beliefs. I have talked informally with many of them before they come into court, and 90 or 95 per cent of them have voluntarily accepted assignments to duty in hospitals or elsewhere. That disposes of criminal charges.

"The case of the draft evader is another matter. Most of them would refuse to report for noncombat duty even if they were classified as conscientious objectors. If they are convicted I impose a five-year sentence.

"Under normal circumstances they will be eligible for release in 20 months. A boy who goes into military service through the draft serves two years. I see no reason why the draft evader should get out sooner than the one who serves his country."

One thing Judge Harper can't be criticized for is preaching the obligation to serve the country and not meeting it himself. He, his five brothers and one of his two sisters served in the armed forces in World War II. The sister was a nurse on Saipan. One of his five brothers was badly wounded when hit by a mortar shell in the landings near Cherbourg.

Judge Harper waived a marital exemption from military service and entered the Army as a draftee. He was assigned to the Air Corps and in short order was sent to Australia. He moved up through New Guinea and other islands, being promoted to sergeant and then commissioned a lieutenant. He was discharged as a major and now holds a commission as full colonel (inactive) in the Air Force.

Despite the fact he was assigned to an administrative unit, he was under enemy fire for much of his service in the Pacific. In his den at home is a leather flight jacket badly cut by pieces of an antipersonnel bomb that exploded about 40 feet away from him on the island of Owi.

"We saw the Japanese planes starting to come right down the line of tents," Judge Harper said. "I never did believe much in foxholes, and made a dive for the beach and stretched out flat. Another officer stretched out beside me after he found the foxhole in front of the tent was full. One of the bombs hit a tent flap and burst right over the foxhole, killing most of those in it. My jacket was shredded by fragments, and the other officer and I were showered by dirt and debris thrown over us by the blast. But neither of us was hurt."

Judge Harper was born in Gibson, in the Missouri Bootheel, and received his law degree from the University of Missouri in 1929.

After working a short time for an oil company he set up practice in Steele, Mo., where his parents were then living. On Dec. 1, 1934, he joined the Ware and Reeves law firm in Caruthersville, remaining there until he was appointed to the bench by President Harry S. Truman in 1947. Harper had been active in politics and is a former chairman of the Democratic State Committee.

At the time of Harper's appointment, Missouri had two Republican Senators, and the Republican party thought that Thomas E. Dewey was a sure bet to defeat Truman in 1948. Judicial appointments then would have gone to Republicans. Harper's appointment was stalled in committee, and President Truman gave Harper three interim appointments to carry him through 1948.

After Truman was re-elected, the fourth and final Harper appointment rode through committee without delay, following the collapse of the opposition by Missouri's Senators. It wasn't until February 1949, after he was sworn in again, that Harper received a check for his final six months of service as an interim judge. He celebrated by taking reporters and the United States Marshal to lunch.

He had continued to work without pay after making certain that checks of his staff would not be held up by the dispute over his interim appointments. Two of his original staff members, his secretary, Miss Cynthia Robinson, and his court reporter, Miss Olive Poole, still work for him. His bailiff, Ray Brennecke, has been with him for 10 years. Miss Robinson formerly was employed by Ware and Reeves, starting in 1935.

Judge Harper lives with his wife and family at 3 Woodcliffe Road, Ladue. They have a daughter Kate, 19, attending Wheaton College at Norton, Mass., and a son, Arthur, 16, a junior at Horton Watkins High School in Ladue. His mother, Mrs. Marvin H. Harper, 86, still lives at Steele, Mo.

What are the pleasantest parts of being a judge, so far as Harper is concerned?

"I guess it would be presiding over naturalization classes each month," Judge Harper said. "I feel I'm bringing in new citizens, citizens by choice. Many of them know more about the United States Government than the native-born do.

"And I guess next to that would be presiding over court at Cape Girardeau. It's my home territory and I know most of the lawyers and quite a few of the jurors. I practiced down there for years."

THE NEED TO BALANCE THE BUDGET

Mr. TOWER. Mr. President, I heartily concur with the Senator from Arizona (Mr. FANNIN) in his arguments earlier today for the need of balancing the budget.

Action must be taken to restrain the Federal spending which is feeding inflation.

His suggested constitutional amendment would put an end to the practice of trying to solve current problems by saddling future generations with a staggering public debt.

It would not, however, be so inflexible that it would completely rule out the prudent use of credit. It would be possible for the Federal Government to run at a small deficit for a single year, providing the shortages were made up in the next year.

It is time for us to realize that we must pay for what the Government provides. The constitutional amendment proposed today would compel Congress to face up to the need for fiscal responsibility.

RETIREMENT OF EDWARD E. MANSUR, JR.

Mr. SYMINGTON. Mr. President, it is with deep regret that I note the retirement of Ted Mansur, who has served as Legislative Clerk of the Senate for 23 years. He has served the Senate capably and wisely, and I salute his accomplishments and years of faithful service to all of us.

As Members of the Senate know, Mr. Mansur is a Missouri lawyer. Jefferson City was his home. He is a graduate of the University of Missouri Law School. He served as editor of the Missouri Law Review. Following his scholastic career, he served as law clerk to Judge Kimbrough Stone from 1941 to 1942 and as an OPA enforcement attorney in Kansas City. Ted Mansur also served his country as a naval lieutenant during the war years.

Subsequently he came to the Senate, and in 1949 he assumed the important post of Legislative Clerk, which he has occupied since then in dedicated service. He has made a fine contribution in helping the Senate to function smoothly.

I join Senators in thanking him for his loyal and active service and wishing him and his family the best of health and happiness in the years ahead.

PEER REVIEW WORKS IN NEBRASKA

Mr. HRUSKA. Mr. President, the Committee on Finance is currently giving detailed consideration to H.R. 17550, the social security amendments of 1970.

Among the more important considerations in this legislation are amendments to make medicare and medicaid more effective and to control the cost of these programs. A great deal has been said about the fact that the costs in these programs are higher than they were estimated to be several years ago. Should we really be too surprised that programs of this type, which had little or no testing and experimentation before they were enacted, actually cost more than their proponents anticipated?

Should we be surprised that utilization was 20 percent more than anticipated by the proponents? Indeed, perhaps we should be surprised that the costs of these programs have not been even higher. The report of the Finance Committee staff on medicare and medicaid earlier this year caused a great flurry in the press about the abuse of the program by various suppliers and physicians. The staff report also pointed out, however, that it is the medical profession which has the ability to control these costs, and that Government does not have the ability to do so.

So we come to the proposition of what is being done by the medical profession in this important area. I should like to speak to this subject for a few minutes because I think it is important that we put this whole problem in the proper perspective.

Before I begin, however, I think there is something else that should be put into the proper perspective, and that is what proportion of the medicaid and medicare dollar goes to the various elements of these programs. Accordingly, there is information from HEW which indicates how the personal health dollar is spent, as well as how the medicare and medicaid dollar is spent. I ask unanimous consent that the tables be printed at this point in the RECORD.

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

Personal health expenditures

Hospital care	41.7
Nursing homes	4.5
Physician services	23.3
Dentists and other professionals	10.3
Drugs	12.1
Administration and other	8.3

Total expenditures for medicare

Hospital care	65.1
Nursing homes	6.0
Physician services	22.6
Other professionals	1.1
Administration and other	5.0

Total expenditures for medicaid

Hospital care	37.8
Nursing homes	30.7
Physician services	11.4
Dentists	5.6
Other professionals	0.9
Drugs	6.7
Administration and other	7.0

(SOURCE.—HEW 1968–69.)

Mr. HRUSKA. Mr. President, from these figures it is easy to see that the physicians are not receiving even as much of the medicare and medicaid dollar as they do of the average health dollar spent for personal care. If one reads some of the newspaper stories that have appeared in recent months, he would think the physicians were milking this program and receiving much more than their normal share. Why do we find these figures the way they are?

Mr. President, I would submit that it is because the physicians and the medical societies have seen their duty, and they have done it. What we are talking about is peer review. One of the senior members of the Committee on Finance, the Senator from Utah (Mr. BENNETT), recently spoke of the American Medical Association proposition for mandatory peer review of all physician charges and indicated that he would support the AMA plan and offer it as an amendment to the bill that I am discussing. I compliment the Senator from Utah for taking this proposal from the medical community and having the Finance Committee staff look into it and refine it and offer it as an amendment.

In my own State of Nebraska, I am pleased to say that peer review has been active for some years, and I am advised it is available not only to the medicare and medicaid programs but has been also available to private insurance plans and individuals.

I sought information from the Nebraska State Medical Association on this subject, and I am advised that the house of delegates, the governing body of a State medical society, has designated the policy committee of the association as the peer review committee. This policy committee is composed of the top leaders of medicine: The president, president-elect, and three immediate past presidents of the State medical society.

The committee has the responsibility and power to make final adjudication of cases referred to the association. However, in order to make the program closer to the grass roots the policy committee established 12 councilor district peer review committees. The policy committee refers certain cases to the councilor district committee for review in detail, for recommendations and for report back to the policy committee.

The policy committee again reviews the case after the councilor district committee has considered it and the findings of the local committee are also considered before final adjudication is made.

Because the number of cases of outright fraud and abuse are miniscule in number, peer review works more often behind the scenes in improving techniques and setting standards of care and treatment. As an example, let me cite a case which was mentioned to me in a recent letter from Mr. Kenneth Neff, executive secretary of the Nebraska State Medical Association. Mr. Neff wrote:

The State Department of Welfare, who administers the Medicaid program in Nebraska, referred to us through its Medical Director, a case in which the care and diagnosis and drugs provided to a patient created some doubt and concern on the part of the Medical Director. The Policy Committee reviewed the case and in turn referred it to the appropriate Councilor District. The Councilor in investigating the case with the physician involved, was asked by the physician to request a hearing before the Policy Committee. The physician was invited in by the Policy Committee, who also extended an invitation to the Medical Director from the Welfare Department. At the meeting it was revealed that probably the physician's staff had made some incorrect bills, and there was also an opportunity for the physician to explain the pattern of care which he had given the patient. At the same time, he was able to gain a better understanding of the activities of the Medical Director in the Welfare Department and the methods used in determining what cases should be reviewed. In the final analysis, the meeting brought a better understanding between the physician providing the care, the Department of Welfare who was paying for the care and the State Medical Association which provided the necessary mechanisms to satisfactorily adjudicate the matter in question.

Mr. President, I am pleased to have the opportunity to review the operation of peer review in my State. I commend the experience of Nebraska to all States and to the Finance Committee. I am sure that peer review is indeed the mechanism under which Federal health programs can do what they were set up to do: Provide care in the mainstream of the American system to those who cannot provide such care for themselves.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

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

The PRESIDING OFFICER (Mr. NELSON). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A 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.

The Senate resumed consideration of the bill.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 11:30 a.m. today.

The motion was agreed to; and at 10:34 a.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 11:23 a.m. when called to order by the Presiding Officer (Mr. FANNIN).

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time consumed during the recess be equally charged against both sides.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed in the quorum call be equally charged against both sides on the Cooper-Hart amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of 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.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Iowa (Mr. HUGHES) be recognized until he may yield to other Senators with respect to germane business without losing his right to the floor.

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

AMENDMENT NO. 829

Mr. HUGHES. Mr. President, I call up my amendment No. 829 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Iowa (Mr. HUGHES), on behalf of himself and other Senators, proposes an amendment as follows:

On page 2 line 2 of the Cooper-Hart amendment No. 819, strike out "$838,600,000" and insert in lieu thereof "$381,200,000".

On page 2, of the amendment, beginning with line 8 strike out all down through and including line 20 and insert in lieu thereof the following:

"TITLE IV—PROHIBITION ON USE OF FUNDS FOR DEPLOYMENT OF SAFEGUARD SYSTEM

"SEC. 401. None of the funds appropriated pursuant to this or any other Act may be used for the purpose of deploying a Safeguard system at any site."

Mr. HUGHES. Mr. President, I modify this amendment so that it is offered to the pending amendment now before the Senate.

The PRESIDING OFFICER. Is this the amendment on which there will be 2 hours of debate under the previous order?

Mr. HUGHES. That is correct.

The PRESIDING OFFICER. The amendment is so modified.

Mr. TOWER. Mr. President, what was the modification proposed by the Senator from Iowa?

Mr. HUGHES. I modified the amendment so it would be germane.

Mr. TOWER. I see.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. I have no objection. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. TOWER. Mr. President, it is my understanding that the debate is to be limited to 2 hours, 1 hour to be controlled by the Senator from Iowa (Mr. HUGHES) and the other hour to be controlled by the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. The Senator is correct.

Mr. HUGHES. Mr. President, at the outset, I should like to advise the Members of the Senate about the procedure that is made necessary by the parliamentary peculiarities with which we are confronted.

This amendment, Senate amendment 829, is designed to accomplish two goals.

First, it would strike out all of the funds for procurement of missiles for the Safeguard system.

Second, it would flatly prohibit the expenditure of any funds, appropriated pursuant to this or any other act, from being used to deploy a Safeguard ABM system. But it would not reduce the funding of continued research and development on Safeguard.

If my amendment were adopted, the Senate would have clearly expressed its will; this body would be on record as favoring a halt in all deployment of Safeguard at this time.

Senators should be advised, however, that the pending amendment, Senate amendment 829, would not make any significant changes in section 401, which is found on page 16 of the bill as reported by your Committee on Armed Services.

Section 401 contains the provisions which authorize construction of Safe-

guard facilities and sets down the limitations on that authorization.

As Senators will see, section 401 would become moot if amendment 829 is adopted, since the amendment would cut off all Safeguard deployment funds and prohibit any other funds being spent on the system.

Therefore, in the event that Senate amendment 829 is adopted by the Senate, it would be necessary for the Senate to do some technical housekeeping with respect to section 401 of the bill. I am advised that this does not involve any serious or difficult complications.

I call this to the Senators' attention now, so that they will not continue to puzzle over the language of our amendment—and its apparent failure to deal with section 401—throughout the entire debate.

To have attempted to appropriately amend section 401 would have required going beyond the scope of the Hart-Cooper amendment, which our amendment seeks to modify. That not being permitted, we are proposing to go as far as we can within the scope of Hart-Cooper, and I am sure Senators will agree that we go more than far enough to clearly establish an intent to halt all deployment of Safeguard, allowing only research and development to continue.

I make these statements at the beginning of the debate in order that Senators may clearly understand that should this amendment be adopted, some technical housekeeping chores would have to be accomplished.

At this stage of the long debate, we are all weary of the arguing among honorable men who share common objectives but who deeply believe in different routes to those objectives.

There is a temptation to sit down and let the vote come and, if necessary, bite the bullet—or in this case the missile.

But there is too much at stake for either the opponents or the proponents to do this.

For the ABM is a symbol and a pivotal point in our national policies regarding adequate defense, military spending, and the arms race.

To its advocates, it represents minimal protection of our nuclear deterrent power.

Once again, I would pay tribute to the distinguished Senator from Mississippi (Mr. STENNIS) and my other able colleagues of both parties who have made the case for the administration viewpoint with eloquence and integrity.

To those of us who oppose the Safeguard system, the ABM represents illusory defense, prodigious waste, and a dangerous contribution to the momentum of the arms race.

To me personally, the approval of phase I and phase II would be a confession of our impotency to extricate ourselves from the deadly treadmill of escalating weapons systems.

Mr. President, last Thursday I told the Senate of my intention to offer an amendment which would go beyond the Hart-Cooper amendment by denying all funds for construction and procurement of the Safeguard system.

I said then that I wanted to give the Senate a chance to vote on this more restrictive amendment before considering the Hart-Cooper proposal, to demonstrate our conviction that ABM deployment should be halted completely.

It seems wasteful to spend the extra half-billion dollars provided by the Hart-Cooper amendment when, under the best circumstances, Safeguard would not be needed, and under the worst circumstances, it would be inadequate and ineffective.

If strategic arms limitation talks result in an agreement to restrict the ABM to the defense of Moscow and Washington, our construction and deployment of phases I and II will have been wasted. If those talks fail and if the Soviet Union increases its offensive capability at the rate feared by Secretary Laird, Safeguard could easily be overwhelmed—as Pentagon spokesmen have themselves admitted.

The amendment I have proposed in conjunction with my distinguished colleagues, the Senator from California (Mr. CRANSTON), the Senator from Wisconsin (Mr. NELSON), the Senator from New York (Mr. GOODELL), the Senator from Missouri (Mr. EAGLETON), and the Senator from Hawaii (Mr. INOUYE), is a product of some of these convictions.

Our amendment would reduce missile procurement funds by $650.4 million, thereby eliminating funds for phase I as well as for phase II. This amendment would also substitute a new title 4, which says quite simply:

> None of the funds appropriated pursuant to this or any other act may be used for the purpose of deploying a Safeguard system at any site.

Let me emphasize, however, that the amendment would authorize the funds recommended for research and development. We believe in preserving our option to develop an effective anti-ballistic-missile defense system if the strategic and diplomatic picture should worsen.

Although I will support the original Hart-Cooper amendment if this proposal should fail, I believe that a complete halt to Safeguard is preferable.

The arguments for Safeguard now seem to have been reduced to two—the strategic and the diplomatic. On the strategic argument, let me cite the conclusion of the Defense Department's own ad hoc group on Safeguard:

> If the only purpose of Safeguard is defined to be to protect Minuteman—as the administration now argues, Mr. President—Phase IIa as defined in March 1969 should not proceed.

If we reject phase II—as I believe a majority in this Chamber want to do—then we should accept the logic of the O'Neill group, which said: "Phase I alone is not worth its cost."

Mr. President, I believe that the whole system is not worth its cost.

In a period of even more sophisticated nuclear horrors, we have come up with a platinum-plated, electronic slingshot.

If the ABM is a mistake, as I deeply believe it to be, then it is no less a mistake if we do all of it or do part of it.

Millions of American citizens view this as I do.

It is essential, therefore, in my opinion, that their elected representatives in the Senate who share this conviction should have the opportunity to express it in this historic debate.

I have offered a go-the-distance amendment to stop all deployment of the Safeguard system, because the answers I get to all the major questions involved, after all of this and last year's debate, are as follows:

Will it protect our cities? The answer is "No."

Will it protect our deterrent? The answer is "No."

Granted the need for protection from a first strike, is it the best system available? Again, the answer is "No."

Can Soviet production of the SS–9 and SS–11—for which the Soviets are tooled up—make Safeguard obsolete before it is completed? The answer is "Yes."

Has a credible case been made that deployment of Safeguard will abet the SALT negotiations? The answer is "No."

As a declaration of our intent, will deployment step up the momentum of the arms race? The answer, in my opinion, is "Yes."

We are now concluding the current round of SALT discussions at Vienna with the Soviet Union. The newspapers say that we have proposed limits on the total number of warheads, including limits on the numbers of large missiles like the SS–9's. In addition, the papers report that we have proposed mutual restrictions on our rival ABM systems to confine them to our capital cities. That is the broad outline of the agreement which is likely to be reached in the next few months.

It does not go as far as I would wish—especially since it permits some ABM construction and since it says nothing about MIRV's—but it seems like an important first step toward curtailing the arms race.

This projected agreement also seems reasonable for both sides. In return for stabilizing the number of our missiles and warheads, the Russians would do the same. In return for not expanding their ABM system, we would limit ours to the defense of Washington.

But, Mr. President, I have great difficulty seeing how the ABM is a bargaining card in these negotiations. Right now the Russians face the choice of getting an agreement or letting the talks collapse. Both nations want restrictions on missile and bomber forces at some point of sufficiency in deterrence.

If the Russians ask for more than we can allow, we can demand more missiles or submarines for ourselves.

If the Russians want an agreement, they will have to put limits on their offensive capability and on their ABM. If we want an agreement, we would have to do likewise.

The Russians now have powerful incentives to stabilize the number of warheads and to free resources for their many domestic problems. We face the same incentives.

Thus, the Russians have a choice between a status quo in defenses versus an increase in the already superior U.S.

forces. They would be somewhat less than shrewd not to agree to restrict ABM's.

If the Russians let the talks collapse, they would find the consequences expensive and dangerous. They would have to choose between increasing their ICBM force or expanding their ABM system.

In either case, I believe, Safeguard is irrelevant. Any appreciable increase in Russian offensive missile capability—Secretary Laird admits—would be enough to overwhelm Safeguard. To regain sufficiency, we would logically either expand our own offensive forces or develop a different, specialized missile defense system.

If the Russians, on the other hand, expand their ABM, we could easily and inexpensively increase the number of our missiles or warheads to overwhelm it. Again, Safeguard would be irrelevant.

In fact, Safeguard is likely to be discarded, in my estimation, regardless of whether SALT succeeds or fails, and its rejection by the Senate, therefore, could have no bearing on the negotiations.

Mr. President, several participants in this debate have called Safeguard our chief bargaining card in the SALT negotiations. The Senator from California (Mr. MURPHY) said Monday that the Vienna talks were like a poker game.

In my opinion, that analogy is faulty, because all the cards are face up on the table. We know each other's strengths and weaknesses, and in this regard, Safeguard is by no means an ace.

At best, it is only a deuce. We cannot bluff the Russians with it, because they know quite well that we have sound reasons to doubt its reliability and effectiveness, that we fear the exorbitant price it will cost us, and that we want to scrap it in a SALT agreement anyway.

On the other hand, approval of the expansion of Safeguard calls into question our whole negotiating position.

Why is the escalation of a weapons system needed to gain strength at the negotiating table, when the history of United States-Soviet negotiations in recent years has proven the exact opposite to be the case? My able colleague, the Senator from Michigan (Mr. HART) cited these examples of history in his speech on Tuesday of last week.

Some of the distinguished gentlemen who negotiated those agreements have reached the same conclusion. In a letter to the Washington Post on Monday, five men—including Averell Harriman and Adrian Fisher—said:

> In our judgment, a Senate vote against the ABM is a vote for success in SALT.

They were drawing on their unparalleled experience to indicate that, if we are to appear unquestionably sincere about reaching an agreement, it is imperative that we act as if we intend to limit the arms race, not to expand it.

Mr. President, time is not neutral in this matter.

What we decide here today is not confined to whether we continue or discontinue the deployment of the controversial ABM.

It is a question of whether or not we continue in the lock-step of the arms race; whether we elect to negotiate from restraint, where we have succeeded in the past, or from threat, where we have failed.

It is a misfortune, I believe, that the opponents of the ABM have necessarily been placed in a negative position in this debate.

Those of us in the Senate who press for new initiatives for peace and for more stringent control over military spending, believe no less than any others in the adequate defense of our country.

The name "Safeguard" was shrewdly chosen; it puts those who oppose it in the nominal position of opposing that which guards our country safely. But we get back to the old question—"What's in a name?" With all of the evidence in, I am convinced that Safeguard would guard us no more safely than its predecessor, Sentinel, would have watched over our security.

I am convinced the ABM is not a bargaining chip; it is a certainty that it is not a bargain.

But if the people of this country are ready and willing to underwrite the multibillion-dollar experiment, I would only say that they should do it with their eyes open.

If they are willing to shortchange such domestic priorities as education, equal opportunity, and the rebuilding of our rotting cities; if they are willing to pay $1.50 a pound for meat and 75 cents a dozen for eggs; if they are willing to suffer the inflationary pressures of high interest rates and tight money; then let us go ahead with this costly type of military speculation.

But let us understand who is paying the bill—the average citizen, the average family in the United States.

Mr. President, in all sincerity and with deep concern, let me conclude by saying that I believe the ABM is a white elephant that nonetheless casts a dark shadow on our future hopes for peace.

Mr. President, I ask unanimous consent that the parts of the amendment be considered en bloc.

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

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

Mr. HUGHES. I am happy to yield to the distinguished Senator from Hawaii.

Mr. INOUYE. Mr. President, I commend my distinguished colleague for his leadership on this very important matter. I only regret that there is so little interest shown on this floor in a matter of such magnitude. I only hope that the vote will reflect greater concern on the part of Members of this body.

I ask the Senator, is it not true that in the quest to deescalate the arms race, history has shown that negotiating from a position of superiority has never paid off?

Mr. HUGHES. Yes. As the Senator from Michigan (Mr. HART) last week, I believe on Tuesday, indicated in a very able Senate speech, we have not succeeded in attempts to negotiate from that position.

Mr. INOUYE. In fact, the only time we have succeeded in deescalating the arms race was when we exercised restraint; and history notes as results the nuclear nonproliferation treaty and the ban on atmospheric and underwater testing. Every time we have shown a desire to negotiate from a position of superiority, we have failed.

We requested the Russians to take the Baruch plan. We were superior then, and they turned us down. Later on, when they initiated negotiations, we turned them down.

I hope the Senate and Congress will respond to the Senator's call, and take one small step in bringing this escalating arms race to an end. I commend my colleague on his effort.

Mr. HUGHES. I thank the Senator from Hawaii for his leadership in this area and his continuing support, because certainly we all recognize that he and the people of his State would be among the first to advocate an adequate defense for this Nation under any and all circumstances, and certainly he therefore would support this system if it were possible for him to do so in good conscience.

Mr. PASTORE. Mr. President, has the Senator from Iowa finished?

Mr. HUGHES. I have finished.

Mr. PASTORE. Mr. President, I rise at this time, because the Senator from Kentucky and the Senator from Michigan are on the floor, to——

Mr. HUGHES. Mr. President, a point of order. We are under controlled time.

Mr. PASTORE. Does the Senator have time that he can yield?

Mr. STENNIS. I control the time on the opposition.

Mr. PASTORE. I want time in favor of the amendment.

The PRESIDING OFFICER. The Senator from Iowa controls time and the Senator from Mississippi controls time.

Mr. STENNIS. I will yield time to the Senator.

Mr. PASTORE. I do not care who yields me the time, so long as I have some time. I shall not take very much.

Mr. COOPER. The Senator can use time that will later be allotted to proponents of the Hart-Cooper amendment.

The PRESIDING OFFICER. The time will have to be on the Hughes amendment. Who yields time to the Senator from Rhode Island?

Mr. HUGHES. Mr. President, if I correctly understand the Senator's request, he is not requesting time to speak to the point of my amendment.

Mr. PASTORE. That is right.

Mr. HUGHES. It has to do with the Hart-Cooper amendment. I ask unanimous consent that the time being taken in discussion not be deducted from either side on this particular amendment.

Mr. STENNIS. Mr. President, out of courtesy to the Senator, I will be willing to yield in a few minutes, but I have received requests from other Senators for time.

How much time does the Senator from Rhode Island desire?

Mr. PASTORE. I should like more than 2 minutes. I might want 5 or 6 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa that the time taken by the Senator from Rhode Island not be charged against either side?

Mr. BYRD of West Virginia. Mr. Pres-

ident, reserving the right to object, I ask unanimous consent that the time required by the able Senator from Rhode Island——

Mr. PASTORE. All I am asking for is 10 minutes on this very important subject.

Mr. BYRD of West Virginia. Be equally charged against both sides on the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I object.

Mr. PASTORE. To be charged to the proponents of the Cooper-Hart amendment.

Mr. COOPER. I am willing that the time be deducted from the time for the proponents of the Hart-Cooper amendment.

Mr. BYRD of West Virginia. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request that the time be taken from the time allotted to the Senator from Kentucky under the agreement on the Cooper-Hart amendment? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, I am not going to rehash the history of this matter. Suffice for me to say that I was one of the first in Congress who proposed, as far back as September, 1967, at the launching of the nuclear submarine *Narwhal,* that in view of the fact that the Russians had already achieved an antiballistic missile system; namely, 64 sites around the city of Moscow—and inasmuch as Kosygin had rejected our proposal at Glassboro in June of 1967, and because of the situation at that time, America should engage in the development of an antiballistic missile system. I have not changed my mind since then, and I stand firm on that today.

I said at that time that it was incumbent upon us, in view of the situation in the world, that we should undertake this effort, lest we find ourselves in the secondary position, vis-a-vis the Russians. I made that argument on the floor of the Senate on August 6, 1969, and with a scant majority, it carried. It was unfortunate that we were so evenly divided. But that was the case. That is water over the dam.

Congress is dedicated to phase I. When the President of the United States, in January of this year, suggested that possibly we should have an expansion into phase II, without hesitation, the Senator from Rhode Island stood up and said that he was not in favor of an extension or an expansion at this time, this was for the simple reason that we had not even begun to dig the holes for the first two sites that were selected under phase I. Because of my experience in this area—realizing that from day to day there are improvements in research and development—I declared that we should not at this time undertake an expansion. I so stated in February, and I still have not changed my mind.

The one thing that is confusing in this debate—and I have studied the RECORD very carefully—revolves around subsection (b) of this section of the Hart-Cooper amendment. The Senator from Washington, a very dear friend of mine and one for whom I have the highest admiration, has taken the position that if subsection (b) remains in the law, $365 million for research and development which is necessary for phase I will have to be redirected to some other advanced or dedicated type of missile-defense. That position has been sustained by the Secretary of Defense, who sent a memorandum to the Senator from Washington, under the salutation of "Dear Scoop." It is in the August 10 RECORD, and I am not going to burden the Senate by reading it.

This is the conflict: The Senator from Kentucky says that his amendment does not deny the $365 million for research and development which is absolutely necessary, and sustains my position on the expansion. If we need research and development further on phase I, why do we get into phase II?

The argument of the Senator from Washington is that we need this money in order to completely develop phase I, which is a good argument. The Senator from Washington takes the position that by subsection (b), this $365 million is denied to research and development for the completion of phase I; and that is where the conflict is.

All I am saying to my colleagues who have suggested this amendment is this: If it is true that they do not want to disturb phase I in any way, and this is the position of the Senator from Rhode Island, it would be a sorrowful day if we were to sweep this whole thing under the rug at this time, in view of world developments and in view of the SALT talks. If it is true that all we are trying to resolve here is the matter of an expansion at this time over and above phase I, I very kindly and respectfully suggest to my colleagues, the Senator from Kentucky and the Senator from Michigan, that they delete subsection (b) from their amendment.

That will clarify the whole situation, and then we will know exactly where we stand—that we are all dedicated to phase I.

I am not asking anyone to compromise his conscience. But inasmuch as this Congress has already dedicated itself to the completion of phase I—we did that in August of last year—I say let us modify this amendment to clarify the position, and then we will know exactly where we stand, beyond question. That is the only reason I have risen to speak today.

I hope my colleagues will seriously consider the suggestion that I have made. That will purify the amendment. That will clear the air, and we will say categorically that we do not want to disturb phase I in any way, but all we are against is the expansion at this time. I cannot say it more simply than I have.

Mr. COOPER. Mr. President, the Senator from Rhode Island has raised a timely and important question. In two colloquies with the distinguished Senator from Mississippi——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. COOPER. Three minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. The Senator from Michigan (Mr. HART) and I have stated that our amendment did not in any way prohibit the use of the $365 million for phase I, or restrict its use in any way. However, I would like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COPPER. Can the sponsors of the Hart-Cooper amendment modify it at this time by striking subsection (b) beginning at line 16?

The PRESIDING OFFICER (Mr. MCCARTHY). The question of the Senator from Kentucky is as to whether he may modify his amendment at this time?

Mr. COOPER. Yes.

The PRESIDING OFFICER. Only by unanimous consent.

Mr. COOPER. By unanimous consent?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. COOPER. I thank the Chair.

Mr. President, I ask unanimous consent that, that part of the Hart-Cooper amendment, subsection (b) on page 2, beginning on line 16 and extending through line 20, be stricken from the amendment.

Mr. STENNIS and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I do make the point, though, that, as I understand it now, it will terminate this matter here and we will get back on the appropriate amendment. I think we have to maintain that. I do not object.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state it .

Mr. HUGHES. I should like to inquire of the Parliamentarian whether the modification just requested by the Senator from Kentucky would affect the Hughes amendment as now presented?

The PRESIDING OFFICER (Mr. MCCARTHY). This applies only to the Hart-Cooper amendment. It does not affect the Hughes amendment.

Mr. HUGHES. It does not affect the result of the Hughes amendment to the Hart-Cooper amendment?

The PRESIDING OFFICER. The Chair would inform the Senator from Iowa that it would not have any substantial effect on it.

Mr. HUGHES. I thank the Chair. I have no objection.

Mr. PASTORE. Mr. President, will the Chair announce the decision?

The PRESIDING OFFICER (Mr. MCCARTHY). Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. PASTORE. So ordered. I thank the Chair.

The language stricken in amendment No. 819 is as follows:

"(b) The provisions of subsection (a) shall not apply to the obligation or expenditure of funds for research, develop-

ment, testing, and evaluation activities carried out in support of any advanced antiballistic missile program at sites heretofore established for such purpose."

Mr. HUGHES. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. What was the request just made?

The PRESIDING OFFICER. The yeas and nays were requested and granted on the Hughes amendment.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes in opposition to the Hughes amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, my remarks at this time will be largely by way of review as to the contents and consequences of the amendment offered by the Senator from Iowa who, by the way, is very well versed in the subject matter. His interest in it is genuine. He makes a valuable contribution to this debate. I commend him for the very fine attitude and the orderly way in which he goes about getting his position stated and getting it reflected in his amendment.

Mr. President, we are confronted with this overall situation now. We already have Safeguard Phase I, which was authorized last year and the money was appropriated for it—as is well known. Phase I has been moving forward with reasonable success within the past 12 months and is expected to continue.

The committee has recommended continuation of Phase I in all its aspects, including deployment, actual construction, and further development of processes to perfect the missile, the site, the radars, and everything.

Furthermore, the Cooper-Hart amendment really affirmed that position as to Phase I. It approves what was done last year. It approves the development of it for the past 12 months. It approves the continued development of Phase I in all its implications, including research and development, which are necessary to continue and which will have to be continued year after year. There is nothing unusual about that.

That is the position, as I interpret it, of the great majority of the membership of this body, that they want Phase I to move forward. There may be some variances in the reasons why different Senators want it but, at least, for one reason or another, we agree on that.

Now, with reference to the amendment of the Senator from Iowa, let us be sure it is understood that it would cut out all money for further development and deployment of Phase I, and that it would cut out all money for Phase II, which is the addition of the Whiteman site and the small beginning at the Warren Air Force Base site in Wyoming. In fact, inadvertently, funds would be left in the bill for military construction. I judge that perhaps might be an oversight, and the Senator might want to change his amendment in that way. That is something that follows along. But it would cut out everything in the way of deployment and would actually prohibit deployment of Safeguard in any site, new or old.

That brings into full view here that we have the program going on, that we have the SALT talks going on, and that we are right up to the question of the necessity—if we are going to have a system—of having one that is not adequate in size and extent unless there are more than two sites. Which brings us right up to the question, after all, shall we move forward in a practical way and try to take care of the time element involved—not 1970, but 1975 to 1980?

Let us remember that the first point and the last point about any argument on ABM involves the timetable of 1975 to 1980.

Let us remember, too, that everything in the bill is subject to control next year, or any year, by recommendation of the President, using his power to stop it, to cut it off subject to the will and the power of Congress through authorizations or appropriations, to stop all or any part of it. So there is nothing being waived in any way by Congress in moving forward.

But, to strike down this whole system now, by depriving it of all funds except what might be necessary except for a certain amount of research and development, is turning around and marching in the opposite direction to the extent that, I am sure, this body does not want to do.

One additional point: We use the term "research and development." The word "development" is a broad, description of activity in connection with a weapons system prior to its deployment.

The PRESIDING OFFICER (Mr. HOLLINGS). The time of the Senator from Mississippi has expired.

Mr. STENNIS. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 additional minute.

Mr. STENNIS. Mr. President, there is one precise line of demarcation as to a lot of these weapons concerning where the development ends and the procurement begins. In fact, one does not end and the other one starts. To a degree they blend. The items in the bill and the bookkeeping are all kept separate.

We have to remember that when questions come up concerning what is development and what is procurement.

Mr. President, that completes my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield 1 minute to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. McCARTHY. Mr. President, I support the amendment offered by the distinguished Senator from Iowa. I do not see the logic of a first phase ABM, no matter how widely deployed. Nor do I see the advantage of a first, second, third or, however, many more phases there may be in a very limited kind of deployment.

What we have seen in the arguments advanced in the past, that are once again being advanced in support of the ABM system, is really a kind of advanced form of escalation.

Mr. President, we have had almost every kind of strategic reason given for the ABM. Some have been to the effect that it would deter the Russians from making a massive attack on us. We have had the argument advanced that it would protect us from missiles that might be accidentally launched by our allies.

The argument has even been advanced that we might need it in order to protect ourselves against the accidental launch of missiles by the American Armed Forces.

The administration is again asking for approval of an expansion of the ABM program. The technical arguments against the Safeguard system were made in the Senate last year at some length and repeated this year. These arguments have not been refuted. Rather, with the continuing change in the stated mission of the system, the arguments against it appear even stronger.

When Secretary of Defense McNamara, on September 18, 1967, first announced the decision to deploy the Sentinel ABM system, he prepared the way for the shifting justifications we have heard over the past 3 years for this system. In addition to protection against a possible Chinese attack, Sentinel, he said, "would have a number of other advantages." He continued:

> It would provide an additional indication to Asians that we intend to deter China from nuclear blackmail, and thus would contribute toward our goal of discouraging nuclear weapon proliferation among the present nonnuclear countries.
>
> Further, the Chinese-oriented ABM deployment would enable us to add—as a concurrent benefit—a further defense of our Minuteman sites against Soviet attack.
>
> Finally, such a reasonably reliable ABM system would add protection for our population against the improbable but possible accidental launch of an intercontinental missile by any one of the nuclear powers.

On March 14, 1969, President Nixon announced his modification of the ABM, the Safeguard system, but many roles were still marked out for it. President Nixon said:

> It would be a safeguard against any attack by the Chinese Communists . . . a safeguard of our deterrent system . . . a safeguard also against any irrational or accidental attack that might occur of less than massive magnitude which might be launched from the Soviet Union.

The emphasis was on the defense of the deterrent.

At that time, he also "overruled" the area defense option because, he said:

> It tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. I want no provocation that might deter arms talks.

This year, the Nixon administration offered the system again, reinstating the area defense mission it had abandoned last year as "provocative." They say that

it is now nonprovocative and that it will induce Soviet agreement to arms limitation. Apparently, among the many attributes of this system is an ability to be merely threatening without being provocative.

Last year we were told that Senate authorization of the ABM—by one vote—was such a threat to the Soviet Union that they agreed within 3 days to enter into negotiations. This claim was never proved, although the Senator from Washington (Mr. JACKSON) again raised the matter in his statement to the Senate on August 5. Actually, the joint U.S.-Soviet announcement had been the subject of discussion for some time prior to the Senate vote and it was known during the debate last year that the Russians were going to agree to negotiations.

This year it has been stated repeatedly that the President needs our approval of the expansion of this system as a "bargaining chip" in Vienna. The chairman of the Armed Services Committee stated on television on July 26 that it would be a "tragedy" if we did not approve it and "would defeat all chance we might have" to get an agreement with the Soviet Union. To fail to pass this expansion, he said, would be "to jerk the rug out from under the President." The fallacy of this "bargaining chip" argument is clear.

If the administration considered that American possession of an ABM was necessary for bargaining, it should have waited until we had one before negotiating. But it has not. The time is ripe for negotiations because both sides have far exceeded the ability to destroy the other and because both sides realize that there is really nothing to be gained in the way of additional security from additional weaponry.

Again we are witnessing, in the case made for an increase in the ABM, a demonstration of the rule that when one thinks defensively the threat always rises to the level of the deterrent and then surpasses it. When it was thought that the Soviet Union was going to install some 70 ABM's, even though they had not yet done so, we made the decision to proceed with MIRV's which, if continued, will give us some 7,000 warheads. There is considerable evidence in press reports that, as a result of our initial deployment of MIRV's on Minuteman missiles some 6 weeks ago, the Soviet Union, resumed the deployment of their SS–9 missiles, which had been suspended for about 9 months.

In the hearings on May 28, 1970, before Senator GORE's subcommittee of the Senate Foreign Relations Committee, Dr. Jerome Weisner stated:

> There is a persistent report circulating to the effect that no new SS–9 sites under construction, that is new starts of sites for bases, have been observed for several months.

Now Secretary Laird is using this renewed Soviet deployment, which apparently was in response to our MIRV deployment, as the justification for his claim that we need to expand the Safeguard system.

A further statement in the same hearing by Dr. Weisner, who served as science adviser to President Kennedy, throws interesting historical light on the question of whether "negotiation from strength" is likely to help or hinder the prospects for reaching arms control agreements. Shortly after taking office in January 1961, the Kennedy administration learned that the alleged missile gap probably did not exist and that the United States probably had more missiles than the Soviet Union. Yet they rejected the opportunity to hold missile forces at the relatively low levels of the Eisenhower administration and decided in favor of nearly 1,000 new Minuteman missiles, and a substantial increase in the Polaris submarine fleet. Dr. Weisner concludes:

> I believe that the failure to reach agreement on a nuclear test ban and the resumption of nuclear testing by the Soviet Union in the fall of 1961 were direct consequences of this buildup on our part.

It is either too soon or too late to negotiate.

Despite this history and other examples of Soviet unwillingness to negotiate against a situation of strength, examples going back as far as the days of the Baruch plan when we alone had nuclear weapons, the administration persists in claiming that a continued buildup on our part will lead to Soviet agreement in the SALT talks. There has never been any historical evidence that the Soviet Union could be forced to the conference table or to agreements by the superiority of our force. In fact, the contrary appears to be the case.

Finally, we are faced with arguments both from the administration and from the Armed Services Committee that demonstrate the limitless nature of defensive thinking. Last year, Secretary Laird said that our military policies and programs should not be based on what our intelligence indicated the enemy is doing, but should be designed to offset their capacity to do all that they can do. This year, in his May 18 statement to Senator GORE's subcommittee, Secretary Laird escalated his own estimate on what we must respond to: Now it is Soviet "momentum":

> We are concerned about the future because of the momentum in this Soviet buildup. The rapid Soviet buildup in the past five years, has reached the point where there is reason to wonder what the Soviet goal is. . . . What gives this concern urgency is the momentum behind Soviet deployments and developments in major strategic systems that could carry them well beyond the crossover point in a short period of time, unless we take major offsetting actions.

This goes beyond what the Armed Services Committee has projected in its report on this bill. They have stated that we need to be concerned, not with the actual threat, but the potential threat; not with what they can do, but with what they could do. The report states, page 18:

> Even if the Soviets should not install additonal missile launchers, the present number already deployed or under construction constitutes a delivery capability which, with *qualitative* improvements, would pose a serious threat to our land based Minuteman deterrent in the mid-1970's. These qualitative improvements . . . are well within Soviet capabilities. . . .

Mr. President, this year Secretary Laird has introduced a new consideration, which is that we have to build sufficient military strength not only to stand against what we know they have or what they might have, but he has a new factor called momentum.

As far as I can understand it, it means that our military needs are without limit. They are limitless. Infinity becomes the standard.

If we think in these terms, it means that our deterrent force will always rise to the level of the enemy's deterrent force and will then surpass it.

As a consequence, no one can determine the limits of our necessary military strength.

I am of the opinion that there is no better time to put a stop to this irrationality beyond the irrationality of escalation, that goes out to try to build a Defense Establishment which would answer to the momentum of the enemy and take into account, not what they have and not what the potential may be, but something projected beyond that.

Although this "momentum" argument may be the most extended phase of the argument, and its most ridiculous, it does offer an echo of the manner in which the action-reaction phenomenon of the arms race proceeds almost out of control, guided by a kind of technological and bureaucratic inertia. This process rather than some computer-controlled mechanical device is the real doomsday machine.

There is only one possible response to this process, to policies of specious reasoning and self fulfilling prophecy which seek, as this administration has sought, an arms control agreement by increasing the level of arms: Reasonable and prudent men must act to shut it off. The Senate can act in this direction by approving the Hughes amendment which meets that point very squarely.

Mr. HUGHES. Mr. President, I yield such time as the Senator from Missouri may require up to 10 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I thank the distinguished Senator from Iowa.

I support the amendment of the Senator from Iowa with respect to the ABM.

Mr. President, in my judgment the Department of Defense is once again playing games with Congress regarding the extent of the costs of the ABM.

Department of Defense officials frequently explain the importance of development concept papers—so-called DCP's—in their management process, however, there is no such development concept paper for the ABM.

The General Accounting Office, in a report dated May 5, 1970, turned up a further increase of about $132 million for Phase I—over and above—the projected costs as stated by Secretary Laird on March 9, 1970.

Mr. President, this GAO report was in response to a letter from me dated April 13, 1970, asking for their analysis of the constantly escalating costs of the ABM. Their report to me, is dated May 5, 1970.

I ask unanimous consent that this report from Comptroller General Staats be printed in its entirety in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. EAGLETON. Mr. President, I will now quote a portion of the aforementioned GAO report which I think is of significant relevance.

On page 3 of the report it states as follows:

> In Senate and House Committee hearings conducted on February 24, 1970, and March 9, 1970, DOD officials testified that the estimated acquisition costs were $4.5 billion for Phase 1, $4.9 billion for the Modified Phase 2, and $10.7 billion for the Full Phase 2. The Department of Defense advises us that the estimates for the Modified and Full Phase 2 deployments given at these hearings still remain the best estimate as of this date; however, the Department of Defense is now estimating the cost of Phase 1 to be about $4.6 billion. This represents an increase of about $132 million that has been recognized since the DOD statement in February and March.

That means, quite simply that the costs of Phase I escalated $132 million between March 9, 1970, when Secretary Laird testified, and May 5, 1970, when the GAO sent this report to me. In a period of 2 months, it was up $132 million.

Quoting further from the GAO report, it states:

> Although these present estimates are the best estimates at this time, the Department of Defense believes that some efforts will probably be necessary in later years, although the Department of Defense does not believe they should be as large as they have been in the past.

In short, DOD is anticipating, without specifying specific numbers, even further and additional cost increases.

Mr. President, during the period between the Senate approval of the Safeguard system in August 1969—almost precisely a year ago today—and Secretary Packard's testimony on March 9, 1970, the cost of the system grew 17 percent. It grew in dollar figures between August 1969, and March 1970, by approximately $1.6 billion.

Now, added to the $1.6 billion increase admitted by Secretary Packard, we find another $132 million increase from March 9 through May 5—a total increase of $1.732 billion.

Mr. President, there are additional, reliable reports that further increased costs have been incurred on Phase I, but they have not yet been made public.

Mr. President, hopefully even the most mismanaged Pentagon projects will not grow at the rate of 17 percent a year as Safeguard has in the past. However, we know for sure that the ABM has experienced a 17 percent-plus increase.

And certainly there are improvements, either real or imagined, coming down the pike which will cost more. The development of the modified Spartan is still in the development phase. This means more research, more and different testing, and probably different parts. And AEC costs will probably rise.

Further, the operating costs of the ABM system have not been included in previous Department of Defense estimates. About $71 million in operating costs are estimated to have been incurred from the start of the program in fiscal year 1968, through February 28, 1970. Annual operating costs once the system is deployed are estimated as follows: $100 million for the two-site deployment; $150 million for the modified phase II deployment; and $350 million for a full phase II.

Further, in addition to operating costs, there are other indirect costs included in other parts of the Department of Defense budget. These are estimated at $440 million for fiscal years 1968 through 1975 for the three-site deployment and obviously will increase if full phase II is built.

As Secretary Packard stated in testimony earlier this year with respect to increased costs:

> The total DoD acquisition cost (of the 12 site Safeguard system would be $10.7 billion (December 1969 price levels). This compares with a figure of $9.1 billion (December 1968 price levels) reported to the Congress last year. Of the total increase (of $1.6 billion) $395 million . . . is due to inflation; $575 million . . . is due to the stretchout of deployment; and $650 million . . . is due to design changes and more detailed estimates.

That is his verification of the $1.6 billion increased cost in the ABM system since August 1969, to March 1970, when he made this statement. Representative Mahon puts that figure in perspective. He stated:

> The total cost of phase II deployment has risen by $1.6 billion above the $9.1 billion estimate given last year to a new total of $10.7 billion. The cost of this program is increasing by more than $100 million per month. . . . At this rate, if the program is completed, what will the total cost be?

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

Mr. HUGHES. Mr. President, I yield 2 additional minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 additional minutes.

Mr. EAGLETON. Mr. President, what does this mean, insofar as one Senator is concerned? My purpose in reciting these figures is not to indulge in an accountant's exercise.

Only yesterday the President vetoed two appropriation measures because, as he said, they were inflationary. They were too expensive. He vetoed the HUD appropriation bill because it was $514 million in excess of what he thought it should be; he vetoed the education appropriation bill because it was $453 million in excess of what he thought it should be. Both bills are only $967 million above the President's requests and he said they were too expensive. Yet, Mr. President, the program before us today, the ABM, has already escalated since its inception last August by $1.73 billion—a rate of about $100 million a month. If we add in May, June, and July, we can conservatively add another $300,000 to Safeguard's cost.

If the appropriation bill for HUD and the appropriation bill for Education are inflationary and not in the public interest from a fiscal point of view, I ask what Safeguard—a program that has already escalated at least $1.732 billion in 1 calendar year, is. Why is it not inflationary and dangerous. Why is it fiscally prudent. Why will it not have an impact on our economy? Why are appropriations for HUD and Education inflationary and the ABM, in all of its sanctified glory not?

Yet the Safeguard goes merrily on, unchecked and uncontrolled—either fiscally or rationally.

I think these things have to be placed in proper context. I cannot understand why two measures that cost $967 million over the President's request are dangerous, while Safeguard, which is already $2 billion over estimates—in only 1 year—is considered so pious and prudent.

EXHIBIT 1

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 5, 1970.

Hon. THOMAS F. EAGLETON,
U.S. Senate,

DEAR SENATOR EAGLETON: Reference is made to your request dated April 13, 1970, for information on certain aspects of the Anti-Ballistic Missile program. Specifically, you requested information be obtained to answer certain questions included in your letter. The questions you raised and the answers thereto are attached.

You requested that this information be made available to you by May 1, 1970. In view of this extremely short deadline, we have been able to include only unverified information which we obtained from the Department of Defense. The answers to these questions are essentially as we obtained them from the Department.

In view of this short deadline and in accordance with the suggestion contained in your letter, we have not submitted the attached material to the Agency for comment which is our normal practice. We do not plan any further release of this information without your approval or unless a public announcement is made of the contents.

We hope that this material will satisfy your request.

Sincerely yours,

ELMER B. STAATS.

INFORMATION WITH RESPECT TO CERTAIN ASPECTS OF THE ANTI-BALLISTIC-MISSILE PROGRAM

1. Has DOD yet formalized final configurations for Phases 1 and 2 of the ABM system (i.e., is there yet an official DCP)? If not, why not?

DOD advises us that they have developed firm configurations for the Safeguard Phase 1, Modified Phase 2, and Full Phase 2 deployment. The configurations are those announced by the President and elaborated upon by DOD officials in testimony before congressional committees. A Development Concept Paper (DCP) has not been prepared on any of these Phases. Apparently, the Department of Defense considers that the above mentioned statements served as a substitute. It is the Department's view that no major technical issues remain unresolved, and therefore, the decision involved primarily how many and where the subsystems should be deployed. Although DOD officials have frequently explained the importance of DCP's in their management process, there is no actual requirement in DOD regulations that one be prepared.

2. If the Department of Defense has formalized their plans for these two Phases, what are the costs of each and of each com-

ponent (i.e., missiles, tracking radar and search radar, etc.)?

The Department of Defense has a formalized plan for Phase 1 (two-site deployment) and the Modified Phase 2 (three-site deployment) currently before the Congress for authorization. The DOD also has plans for Full Phase 2 deployment (12-site deployment) as described by Secretary of Defense Laird in his testimony before the Senate Armed Services Committeee on February 24, 1970. However, this latter deployment has not been recommended by the President at this time. Acquisition costs for these deployments are as shown on the following table.

[In millions of dollars]

	Phase 1	Modified phase 2	Estimated full phase 2
R.D.T. & E.	2,199	2,677	2,891
PEMA	1,876	2,560	5,874
MCA	519	702	1,967
Total	4,594	5,939	10,732

We have also obtained information on the total cost of each component of each Phase. Department of Defense regulations require that release of classified information outside the Department be cleared with them. Because of our working arrangements with you, we have not attempted to obtain permission to release this data.

3. What has been the cost growth of each phase and in each component thereof including AEC costs?

In discussing acquisition costs, DOD includes only those costs financed by the Research, Development, Test and Engineering Appropriations (RDT&E), the Production of Equipment and Missiles Appropriations (PEMA) and the military Construction Appropriations (MCA). They do not include Operation and Maintenance Appropriations (OMA) and Military Personnel Appropriations (MPA) costs. Apparently, these latter are normally considered operating costs. They also do not include certain indirect costs of activities budgeted elsewhere which are discussed more fully in the answer to question 11.

In Senate and House Committee hearings conducted on February 24, 1970, and March 9, 1970, DOD officials testified that the estimated acquisition costs were $4.5 billion for Phase 1, $4.9 billion for the Modified Phase 2, and $10.7 billion for the Full Phase 2. The Department of Defense advises us that the estimates for the Modified and Full Phase 2 deployments given at these hearings still remain the best estimate as of this date; however, the Department of Defense is now estimating the cost of Phase 1 to be about $4.6 billion. This represents an increase of about $132 million that has been recognized since the DOD statement in February and March.

The original SAR publication, prepared as of June 30, 1969, showed a total estimated acquisition cost of $4.185 billion. The SAR publication as of November 30, 1969, showed an estimated total acquisition cost of $4.462 billion, an increase of $277 million or 6⅔ percent above the June estimate. This was the figure ($4.5 billion) used in the testimony before the two Committees mentioned above. The Department of Defense explains this increase as including $136 million caused by inflation, $55 million caused by a stretchout which delayed the final acquisition readiness date from July 1974, to October 1974, and changes in estimates or design which totaled about $86 million.

The DOD reports that since the publication of the November 30, SAR, intensive investigations of planned construction schedules and cost estimated have continued. These investigations have resulted in a further increase in the estimated cost of about $132 million mentioned earlier. This represents an increase of slightly less than three percent over the $4.462 billion estimate and slightly more than three percent over the $4.185 billion estimate, and brings the total estimated cost for Phase I at this time to $4.6 billion. The Army reports that this increase is caused by the need for a further stretchout of approximately four months in the planned construction from October 1974, to early 1975. This stretchout is estimated to increase costs by $82 million primarily because the production team and the test and evaluation team will have to be kept intact longer. In addition, an increase in the need for spare parts has increased the estimate by about $40 million and other changes about $10 million.

Cost growth that occurred during fiscal year 1969, for the Full Phase 2 deployment is discussed in the answers to questions seven and eight.

4. What recent changes have occurred or are contemplated to the components?

The Department of Defense advises that no major changes in the Safeguard System components have been made recently (i.e., since the DOD testimony) or are contemplated at this time. The Advanced Ballistic Missile Defense Agency monitors research into improved components and, when the feasibility and desirability of a new component is demonstrated, a decision is made as to whether to incorporate the item in the system. With respect to sub-components and parts of the major components, improvements are frequently suggested as the development program proceeds. Changes are made only in the interest of correcting errors, improving system safety, materially improving operation and performance, or reducing costs.

5. Are the figures used in the Packard statement still accurate reflections of the potential cost? What changes are contemplated, if any?

The material contained in the answer to question 3 contains the best DOD estimate of current costs of each Phase of the ABM System. Although these are the best estimates at this time, DOD believes that some upward revisions will probably be necessary in later years; although the DOD does not believe that they should be as large as they have been in the past. Inflation will probably cause some increases. The Department believes that cost growth resulting from stretchout should be small if the full 12-site program proves necessary and is accomplished by the late 1970's. Design and estimate changes should also be significantly smaller in future years since they have had time to accomplish intensive analysis in the year since the Safeguard decision was made and thereby improve the estimates and better definitize the design. There are some uncertainties even in this area, however. For example, development of the Modified Spartan is still in the program definition phase from which will be developed the exact configuration and a firmer basis for estimating the cost of deployment.

6. What caused the stretchout mentioned in Mr. Packard's statement?

The delays mentioned in Mr. Packard's statement are related to Full Phase 2 and are said to have been caused by delays in congressional appropriations and authorization actions. In addition, consideration was at one time given to requesting authorization for all 12 sites during fiscal year 1971. This approach was abandoned apparently in favor of the Modified Phase 2 approach which is now before the Congress for authorization. These two factors caused the deployment completion date to slip from 1976. The present anticipated completion date is classified.

7. What are the changes to which Mr. Packard referred, why were they necessary and how much will they cost?

The design changes to which Mr. Packard referred will result in an increase of about $650 million for Full Phase 2 deployment. Examples of what the $650 million would fund are: (1) increased hardness of radars located at sites outside the Minuteman fields and the national Capital area, (2) retention of the option for a closed-door operational capability for a longer period which would make each site fully self-supporting under prolonged attack and fallout, (3) increased repair parts provisioning, and (4) additional interceptors for operational testing. The increased hardness of the radars will permit intercepts of reentry vehicles at lower altitudes if the radars outside the Minuteman fields should be attacked by Soviet SLBM. Retention of the option for a longer period of closed-door operations will permit less costly modification of sites if required at a later date to enable the sites to operate without support of personnel from outside. The increase for repair parts reflects the results of continuing reviews and more precise definition of system requirements. A more recent estimate increases the cost of non-deployed hardware required during the period of deployment for producton line testing and reliability and maintainability laboratory testing.

8. Mr. Packard mentioned specific amounts of cost growth that were related to (a) inflation, (b) stretchout, and (c) design changes; what is the support for these estimates?

In accordance with the Bureau of Budget instruction, the DOD does not include inflation as a factor in its estimates. The fiscal year 1970 estimates were based on price levels in effect as of December 1968, and the fiscal year 1971, are based on price levels in effect as of December 1969. During this period, the Department estimated that inflation increased costs by a total of $395 million. This estimate was based on a four percent factor applied to RD&E and PEMA costs and is based on price indices provided to the Safeguard program by OSD. For the Military Construction Appropriations, the increase was 7.7 percent based directly on relative costs of labor and material associated with building construction as expressed in the Engineering News Record Building Index of Cost Trends.

The increases caused by stretchout ($575 million) are based on the need to continue for a longer period of time certain staff elements which would normally not be needed after the deployment is completed and the need to retain in service, production facilities and associated logistics that otherwise would be retired. More specifically, RDT&E costs are estimated to increase about $200 million because of the need to retain a sizeable RDT&E effort in the areas of software instruction and checkout and of engineering changes for each specific site. Production costs are expected to increase by $355 million and construction costs are expected to increase about $20 million.

9. Are any operating costs included? Have any been incurred for the first Phase—in the last year? What are the possible operating costs for say a 10-year period?

Operating costs have not been included in the above estimates. About $71 million in operating costs are estimated to have been incurred from the start of the program in fiscal year 1968, through February 28, 1970. Annual operating costs once the system is deployed are estimated to be as follows:

$100 million for a two-site deployment.

$150 million for the Modified Phase 2 deployment.

$350 million for a Full Phase 2.

10. What is the basis for the $1.2 billion estimate for warheads? Even though there appears to be an increase in the number of interceptor missiles, there is apparently no contemplated increase of earlier costs. How can this be?

As reported in the testimony, the estimated warhead cost is $1.2 billion for Full Phase 2 deployment but this does not include the cost of warheads for the Modified SPARTAN System whose costs cannot be estimated firmly at this time. Estimated costs for Phase 1 are slightly less than $900 million (also exclusive of any costs for warheads for the Modified SPARTAN). The DOD advises us that this information was provided by the Atomic Energy Commission. We have confirmed this information with the AEC, who advise us that this information is correct. They have also advised us that these figures do provide for cost growth and that they do not believe the AEC costs will exceed these amounts. AEC also advised us that the improved SPARTAN costs cannot be estimated firmly. However, the most recent SAR, which has not as yet been released, does contain an estimate of Improved SPARTAN Costs, but the document is classified.

11. Mr. Packard indicated that some indirect costs are not included. What are they? Do they include any R&D costs presently being incurred?

Safeguard indirect costs are included in other parts of the DOD budget as shown below. These costs are not carried as direct Safeguard entities. Therefore, the amounts shown below represent DOD's best estimates of the total fiscal year '68—fiscal year '75 indirect costs for the Modified Phase 2 (three-site) Safeguard deployment.

[Dollars in millions]

Function	Appropriation in which budgeted	Amount
Family housing construction	Family housing, Defense	$25
BMDC construction	Military construction, Air Force	3
AMC common items (e.g., trucks, small arms, etc.)	Procurement of equipment and missiles, Army	10
Family housing operating cost	Family housing, Defense	2
National Range Support:		
Kwajalein Missile Range	R.D.T. & E., Army	185
White Sands Missile Range	do	25
USAF test target support	R.D.T. & E., Air Force	50
USN test target support	R.D.T. & E., Navy	45
Non-Safeguard Army (e.g., hospitalization, support of Army training base, CONARC/DA and other Army-wide activities support to Safeguard):		
OMA	O. & M., Army	55
MPA	Military, Personnel, Army	40
Total		440

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield 2 minutes to the Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER. The Senator from Idaho is recognized.

A MOMENTOUS VOTE

Mr. CHURCH. Mr. President, we have endured a quarter century in the nuclear age, and our bulging arsenals are proof that we have not yet mastered the ominous offspring—political and scientific—that the first A-bomb sired. Today, the Senate, which has faced its share of momentous legislative decisions this year, is being asked to cast a vote for sanity in nuclear matters.

Before that vote is taken, I wish to call attention to an important letter which appeared in the Washington Post on August 10, 1970. The letter is signed by W. Averell Harriman, Karl Kaysen, Adrian S. Fisher, Franklin A. Long, and Herbert Scoville, Jr., all of whom are exceptionally qualified to reach an informed judgment on the issue before us.

I shall read two key paragraphs to the letter because they so effectively rebut the argument, so feverishly pressed, that deployment of the ABM must go forward to furnish us with a bargaining chip at the SALT talks, where we are negotiating with the Soviet Union for an arms control agreement. The pertinent part of the letter reads:

Finally, history has unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.-U.S.S.R. negotiations on the Nonproliferation Treaty.

If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

This position perfectly accords with the intent of the Hughes-Cranston amendment on which we shall shortly vote. The letter presents, in summary form, the reasons why I shall vote for the amendment. If it should fail, I will then vote for the Cooper-Hart proposal.

I ask unanimous consent that the full text of the letter be printed in the RECORD.

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

THE ABM VOTE AND THE SALT TALKS

Recently administration spokesmen have been insisting that unless the Congress authorizes the continued construction and expansion of the Safeguard ABM, it will not be possible to negotiate an agreement with the Soviets at SALT to limit strategic armaments. They argue that the negotiators need the Safeguard bargaining chip to induce the Russians to halt the deployment of their large SS-9 ICBMs.

This would appear to be an attempt to exploit the desire of the Senate and the public to achieve success in SALT in order to rescue the Safeguard program from defeat. The administration has always defended the Safeguard ABM defense of Minuteman sites on the basis that it was not a threat to the U.S.S.R. If true, who then should the continuation of this program be a chip to induce the Soviets to agree to limit their offensive missile deployment?

The major U.S. threat to Soviet security lies in the deployment of the U.S. MIRV systems. On April 9, 1970, the Senate passed a resolution by a vote of 72 to 6 urging that the President propose to the U.S.S.R. an immediate suspension by both countries of further deployment of *all* offensive and defensive nuclear strategic weapons systems. Yet the MIRV chip has been thrown away by the accelerated deployment of the Minuteman III and Poseidon missiles with their MIRV warheads and by the reported proposal that any MIRV limitations must be accompanied by Soviet acceptance of extensive inspection of both offensive and defensive missile sites. There is no security justification for such urgent MIRV deployment since the heavy Soviet ABM which they were designed to penetrate could not be deployed and become operational for many, many years.

It has also been reported that the possible outcome of SALT would be an agreement that henceforth the United States and the U.S.S.R. will limit their ABMs to the defense of their capitals. The continued deployment of Safeguard at the Minuteman sites will not in any way contribute to the defense of Washington, and the Senate is being asked to endorse the expenditure of funds for useless hardware if SALT is successful and for an admittedly at best marginally effective system if it is unsuccessful. Why the U.S. should try to get the Soviets to agree to the deployment of ABM defenses for Washington and Moscow instead of a complete ABM ban is not clear, since the defense of Washington will not accomplish any of President Nixon's three objectives for an ABM system. A complete ban would eliminate the need for MIRVs and simplify the problems of verification by obviating any possible need for inspection. It is reported that the Soviets have indicated interest in such a complete ban.

Finally, history has unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.-U.S.S.R. negotiations on the Nonproliferation Treaty.

If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

In our judgment, a Senate vote against the ABM is a vote for success in SALT.

W. AVERELL HARRIMAN.
KARL KAYSEN.
ADRIAN S. FISHER.
FRANKLIN A. LONG.
HERBERT SCOVILLE, Jr.

WASHINGTON.

Mr. HUGHES. Mr. President, does the distinguished chairman of the Armed Services Committee have a speaker present?

Mr. STENNIS. Mr. President, I am expecting one soon, but I am sorry that I do not have one ready now.

Mr. HUGHES. Mr. President, I yield 10 minutes or such time up to that point as the distinguished Senator from Arkansas may need.

Mr. FULBRIGHT. Mr. President, I wish to support the amendment offered by the Senator from Iowa. The arguments on the merits of the ABM were made last year. They have been made this year in very persuasive fashion. I hesitate to take the time of the Senate to restate the various substantive arguments.

It seems to me that, in view of all the discussion, debate has now simmered down to a case in which the administration has given up any argument about the real function of the ABM, that is, the function of actually protecting missile sites, area defense, the cities, or against China. All these alleged missions have been abandoned. Now it has come down to its being a "chip." It is a conversation piece in the negotiations in Vienna.

This is such a vague and unprovable proposition either way that I think, rather than being an argument on the substance on ABM, it is simply a political argument seeking to intimidate Representatives and Senators who do not feel sufficiently secure in their position or their knowledge and convictions about the ABM on the substance—that is, on its real merits—so that they can be influenced to support it on the vague feeling that they will be charged with failure of the negotiations with the Russians.

Since, in looking at the history of the negotiations in the past, the probabilities are that the SALT talks will not be very productive, naturally many Congressmen hesitate to take a position which would expose them to the charge that they contributed to those failures. Actually, whether or not those talks succeed is in control of the administration. If our negotiators insist on onsite inspection, as they have in the past, I think it is fairly certain that there will be no really significant results from the talks. I would hope that is not true, but up to now there is nothing concrete to lend any support to the idea that real progress has been made. In fact, there is nothing tangible or specific one way or the other.

The insistence on this very extravagant program following the day after the veto of two very important bills on education and urban renewal and veterans affairs suggests a very significant thing, it seems to me, about our system. It suggests that the administration now feels so secure in its control of the Congress that, in effect, it really has a contempt for Congress. It alleges that these two very important domestic bills are vetoed on the grounds of economy and to fight inflation, and yet the very next day we are expected to support an enormous administration sponsored bill which some very qualified authorities suggest will probably cost, if they go through with it, $50 billion.

One of the scientists—I believe it was Professor York, a former adviser to two Presidents in the science field; it was either Professor York or one of his associates, such as Dr. Kistiakowsky—said that if we go through with this system down the line, with the momentum it will gather as it gets larger and larger amounts of money, it will probably cost $50 billion.

So it is rather ridiculous to veto two bills on the theory of saving money, and the very next day insist on a program that potentially will cost the figure I have mentioned. Even currently, we have spent over $5 billion in the area of anti-ballistic-missile systems, including the predecessors of the current Safeguard.

Mr. President, yesterday the Senator from Washington (Mr. JACKSON) read to the Senate a statement from several scientists purporting to refute the very damaging analysis of the technical and strategic flaws of the Safeguard system which has been provided by Dr. Wolfgang Panofsky and concurred in by many other of the Nation's most respected ex-experts on the ABM including Dr. Sidney D. Drell of the Stanford Linear Accelerator Center.

The attempted rebuttal sought to make it appear that Dr. Panofsky's analysis was based on unreasonable assumptions concerning Soviet strategic tactics. The arguments used in this effort were totally wrong and inconsistent with both the Pentagon's own estimate of Safeguard's effectiveness and the Soviet threat.

This morning I received a telegram from Dr. Sidney D. Drell which convincingly deflates the statement cited yesterday by the Senator from Washington and which reaffirms the proposition that even if Safeguard works perfectly—something which no one expects to happen—it would offer negligible protection against the Pentagon's own projections of the Soviet threat.

I ask unanimous consent that Dr. Drell's telegram be printed at this point in the RECORD.

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

Senator J. W. FULBRIGHT:

The statement submitted to Senator Jackson by Drs. Wohlstetter, Herzfeld, Libby and McMillan on Aug. 10th, entitled "effectiveness of the Safeguard ABM system" is totally wrong as well as inconsistent with the Pentagon's own calculations of the Safeguard effectiveness.

The principal technical argument against Safeguard is that it will be effective over a very narrow band of threats. This is the substance of Dr. Panofsky's testimony as well as mine and is true independent of whether we analyze Safeguard's effectiveness in terms of the presumed Soviet strategic goal to destroy all but 50 Minutemen or in terms of a stated U.S. goal of 300 Minutemen surviving. The Pentagon's own calculations show that if we take the Soviet objective to be to destroy all but 50 of the Minutemen missiles, the development of the full phase II of Safeguard at all four Minuteman sites, which is one site more than proposed in this year's authorization, will force them to add to their attacking force at most several hundred warheads. This is considerably less than one-half of the number 800 claimed in Wohlstetter's statement. I cannot be more precise due to the fact that the official Pentagon calculations are classified, but I think it is important to be totally clear that, independent of any and all strategic assumptions, and based on the Pentagon's own official calculations as presented to the armed services committee the numbers in Wohlsetter's statement are misleading and a gross over-estimate. Moreover, if one takes into account the vulnerability of the radars (MSr's) to the smaller SS–11, for which it has been reported that penetration aids are now being tested, the additional number required is insignificant. I note that the development of such penetration aids for the SS–11 is a much smaller technical step than the development of accurate counterforce MIRV's for the SS–9 as projected in the Wohlstetter analysis.

Wohlstetter's statement also claims that we can protect Minuteman more cheaply than the Soviets can overcome the protection. This is not even true using their calculations as to the number of additional warheads required to overcome Safeguard. The point is that the smaller, cheaper SS–11 which has no capability to destroy Minuteman silos can now destroy the single vulnerable MSR radar, protecting an entire wing of 150 missiles relatively simply and inexpensively by exhausting the interceptors. Moreover, the correct numbers show that the cost to us to defend a Minuteman silo with Safeguard is very much more expensive than the cost of Minuteman itself, as I testified on June 29, 1970 (p. 552, hearings of the Subcommittee on Arms Control, International Law and Organization) and this is true at any level of defense: Safeguard is very substantially more expensive than building more Minutemen.

Hardsite is an effective alternative to Safeguard which can be deployed if necessary. This can be done cheaply and rapidly against Soviet threats of the immediate future as I testified by upgrading existing air defense systems in known ways. An advanced dedicated hardpoint defense, if vigorously developed during the coming year, can be available and can be effective if needed by the late 1970s.

Finally, I note that the only outside scientific and technical review made for the Pentagon of the Safeguard system (by the O'Neill panel on which both Dr. McMillan, a signer of the statement to Senator Jackson, and I served and whose report we both signed) concluded on the basis of both the cost and effectiveness of Safeguard that "if the only purpose of Safeguard is defined to be to protect Minuteman Phase II–A, as defined in March, 1969, it should not proceed."

SIDNEY D. DRELL,
Stanford Linear Accelerator Center.

Mr. FULBRIGHT. Mr. President, a full-page advertisement appeared yesterday in several newspapers, entitled an "Open Letter to the U.S. Senate," regarding the Safeguard ABM system. The top one-third of the page pictured a nuclear explosion. Above the mushroom clouds, in large letters, are the words "Stop the Arms Race." I ask unanimous consent that the text of this advertisement be placed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, on the face of it, one would normally expect such a format to contain a plea against further escalation of the arms race. Not so, in this instance. Employing some of the same "double think" for which the support of the ABM has become notorious, the advertisement advocates expanding the deployment of the Safeguard antiballistic missile systems. It was sponsored, not by the aerospace industry—as one might suppose—but by a group of private citizens led by the former Secretary of State, Mr. Dean Acheson, and former Ambassador Henry Cabot Lodge.

The text of the advertisement suggests that the greatest threat to an arms limitation agreement no longer comes from the Soviet Union—or from the Penta-

gon—but from the U.S. Senate. The advertisers would have us believe that unless the Senate authorizes the spending of billions of dollars to extend Safeguard, the Russians will never believe that we are sincerely desirous of limiting nuclear armaments. Having undoubtedly been inspired by the same source that brought us the now discredited "Chinese ABM," such tortured logic is not surprising.

What is surprising, however, is the clincher argument in the advertisement. This states that the chief U.S. negotiator at Vienna, Gerald C. Smith, "has testified that Safeguard is a vital bargaining element in his effort to bring about such an agreement."

Because the advertisement is addressed to the Senate, the phrase "has testified" must be intended to imply that Ambassador Smith has made such an assertion in the course of testimony before some congressional group. Why else would the word "testified" have been employed?

Ambassador Smith has appeared before either the full Foreign Relations Committee or its Subcommittee on Arms Control, International Law and Organization three times in the past year and a half. I have reviewed the transcripts of his testimony on these occasions in search of an endorsement of Safeguard as a "vital bargaining chip." I searched in vain. No such testimony has been given by Ambassador Smith, either to the full committee or before our subcommittee. He has had many opportunities to do so but he invariably backed away, or equivocated.

Being unable to find any testimony which would support the advertisement's claim, a member of the committee staff called the offices of the Citizens' Committee To Safeguard America and asked the executive secretary of the committee, Mr. Charles Botsford, where such a supporting statement might be found. Mr. Botsford replied that the view attributed to Ambassador Smith in the advertisement "parallels" the position taken by the Ambassador before a subcommittee of the Armed Services Committee on February 6 of this year, and appearing on page 247 of the committee's printed hearings. Moreover, Mr. Botsford told our staff member that Ambassador Smith had spoken "directly" to the citizens' committee expressing the view presented in the advertisement.

I have the Armed Services Committee testimony of Ambassador Smith cited by Mr. Botsford, and I would like to read it. There is, in my opinion, no way in which it can be considered "parallel" to the assertion that Safeguard is a "vital bargaining element." Here is what Ambassador Smith said:

> I may be biased on this score, because I testified to that effect, that it would not cool them off at all last March. I think we will hear a good deal of propaganda from them in the coming months about the danger of Safeguard to SALT, but my present feeling, without knowing what the specifics of the Safeguard decision are going to be, is that if the general approach is not too different from last year's, I don't think it is going to dissipate the Soviet's interest in the negotiation.
>
> I don't think I go as far as some people would who think that you ought to go ahead faster with Safeguard to step up the bargaining leverage. I think that the bargaining leverage at the present, and the sort of approaches that I have heard about in connection with Safeguard, is going to be quite adequate. I don't think we have to go out and develop completely different new weapons systems just to increase our bargaining power.

I believe it would be fair to summarize the Ambassador's statement as follows:

First. Safeguard will not lessen Soviet interest in negotiations.

Second. It is not necessary to speed up Safeguard to increase our leverage.

Third. Other new weapons systems would not increase our bargaining power.

This cautious assessment is a far cry from calling Safeguard a vital bargaining element. Ambassador Smith did not say that Safeguard, in and of itself, was even useful. He simply said that it would not hurt and that it was not necessary to move ahead any faster.

The citizen's committee had best brush up on its semantics—and its geometry as well—if they believe these statements are parallel. In my view the committee's effort to bring these two statements into line has bent the Ambassador's views beyond recognition.

As for the committee's claim to have spoken directly with Ambassador Smith, I can only say that if the Ambassador made such a statement to the citizen's committee it was at considerable variance with every other recorded instance of testimony by him. Given my high regard for Ambassador Smith's integrity, I frankly doubt that this was the case.

It appears far more likely that whatever Ambassador Smith told the committee has been twisted by them to serve their own purposes. Anyone who could interpret the testimony which I have just read as paralleling the statement in this advertisement apparently feels free to deal with the English language—and other people's testimony—in whatever manner serves his purpose.

I therefore call on the citizen's committee to produce written evidence to support its contention concerning Ambassador Smith's statement to it. Unless they are able to do so, I can only conclude that, intentionally or not, the citizen's committee has come perilously close to attempting to deceive the Senate and the American people.

In order to complete the record with respect to Ambassador Smith's views, I would like to review his testimony before congressional committees.

On March 6, 1969, before the SALT talks had gotten underway, but at a time when the respective negotiating positions were being discussed, the Subcommittee on Arms Control, International Law and Organization asked Ambassador Smith what the Soviet reaction would be if—as is now the case following the Armed Services Committee's action—Chinese rationale for Safeguard were eliminated. Here is Mr. Smith's answer. It has a timely quality:

> If, as a result of this review that is going on, there was any change in the priorities for which an ABM system might be intended, I would not think that it would have a great effect on the Soviet mentality. They don't seem to place as much interest in defensive missile systems as we do. I think that they originally, as I recall it, did not even want to consider defensive missile systems as part of a strategic arms limitation talk. Their general attitude in the past has been, "Well, defensive missile systems don't threaten anybody. If you want to spend a lot of money on them, that is your business."

Some may argue, however, that Ambassador Smith's views have changed since the SALT talks began. Let me, therefore, read to you from Ambassador Smith's testimony in March of this year following the initial Helsinki phase of the talks. In answer to a question posed by my able colleague, the senior Senator from New Jersey (Mr. CASE), Ambassador Smith first assured the Senator that Safeguard phase II "will not prejudice the SALT negotiations." The Senator then turned his question around and asked specifically whether proceeding with Safeguard would help the SALT talks. The following exchange ensued:

> Mr. SMITH. I think it is very hard to draw a judgment about what will help. I think the best one can do in this field is to try to identify whether it will hurt it.
>
> Senator CASE. I do not want to press you unduly.
>
> Mr. SMITH. I do not know. I can only be agnostic in answering this question.

To me, this exchange reveals two things. The first is that Ambassador Smith is an honest man. And second, that Safeguard had not emerged as a "vital bargaining element" in the Helsinki talks.

Ambassador Smith testified before a subcommittee of the Committee on Foreign Relations on one other occasion this year. Because this occurred in executive session and the transcript is classified, I cannot quote from it. Let me say, however, that Ambassador Smith's testimony on the impact of Safeguard on the SALT negotiations was entirely consistent with that which I have cited from his two public appearances before the committee. It came no closer to supporting the citizens' committee advertisement than any of the other testimony I have cited.

That seems to be, in my opinion, a fair analysis of Mr. Smith's attitude before the committee, or any committee that I have been able to ascertain, on numerous occasions. He has not stated that this is indispensable or even essential, or, for that matter, very important to the success of the SALT talks.

To my knowledge Ambassador Smith has appeared before committees of Congress on only two other occasions since the SALT talks began. One of these resulted in the Armed Services Subcommittee testimony which I have already discussed. The other was a briefing for the National Security Policy Subcommittee of the House Foreign Affairs Committee. I am reliably informed that Ambassador Smith's position on that occasion was also consistent with that taken in his other appearances.

Thus, in every known appearance before the Congress, we find Ambassador Smith to have been, at best, a reluctant disciple of the bargaining chip argument.

This inspired advertisement by the Citizens' Committee To Safeguard America seems to represent just another ex-

ample of the extreme lengths to which the administration is being driven in its effort to justify the Safeguard system. Having failed to frighten even the Armed Services Committee with the "Chinese threat," and having failed to convince anyone but its own executive branch officials of Safeguard's effectiveness as an area defense, the administration now suggests that the jerry-built modified Safeguard phase II will frighten the Russians into an arms limitation agreement.

The administration simply asserts that the continued deployment of Safeguard is a "vital bargaining element." Assertion alone does not make it so.

The rationale beyond the bargaining chip argument has never been explained. Perhaps that is one reason why Ambassador Smith has been so careful not to go on record in supporting it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. STENNIS. Mr. President, I yield the Senator 3 additional minutes, if he wishes, to conclude.

Mr. FULBRIGHT. Mr. President, I appreciate that very much. The Senator from Mississippi is always very generous in these matters.

The Senator from Mississippi is, just as I am, very worried about the terrible condition in which this country finds its finances. The deficit has been growing weekly, by the latest estimates, and inflation is rampant, as the President stated yesterday.

What I cannot understand is the President's sensitiveness to an expenditure of funds for education domestically and his insensitiveness to the expenditure of funds in the field of armament.

I do not know how anyone could disagree with the fact that the ABM, at least in the present state of the art, is questionable. Even Dr. Foster, whom we might call the father of this baby, admits that a great deal of research is necessary to perfect the system. They all recognize that the radars have to be redesigned, including Dr. Panofsky, who has been cited here several times. Senators will recall that the first time we ever heard of Dr. Panofsky was when he was mentioned by Mr. Packard as an authority. I had never heard of him until, in an open hearing a year ago, I asked Mr. Packard who outside the Pentagon, among reputable scientists, had been consulted.

He mentioned Dr. Panofsky as a man highly qualified in this field. Consequently, we have consulted Dr. Panofsky—and he is recognized. He does not say that the ABM is not workable altogether, but he says the Safeguard concept is faulty, and it cannot achieve the purposes for which it is intended, that the whole system must be redesigned.

What I cannot understand is this present administration's insistence on deployment. Last year we were told, "If you will give us Phase I, we can work the bugs out."

No one can say the bugs have been worked out in Phase I, and yet they come in with a request for Phase II. I cannot understand the insistence on deployment of this very expensive system which is so fundamentally questionable. I am utterly amazed, in view of the President's sensitiveness to the budgetary requirements of this country, at the insistence of the administration on this program. I think it is not necessary.

EXHIBIT 1

STOP THE ARMS RACE

To the U.S. SENATE:

Not since the Cold War began, has the opportunity for strategic arms limitation been so great. We cannot afford to miss this opportunity.

The U.S. Safeguard ABM program—particularly the proposed new phase—is the key to stopping the arms race. Our negotiators at Vienna believe Safeguard is persuasive evidence to the Soviets that the U.S. is absolutely determined to press ahead with those defensive measures needed to protect our deterrent—unless a firm agreement limiting the threat can be reached. Congressional approval of the program, therefore, is a vital step leading to a meaningful strategic arms limitation agreement.

Gerard Smith, Chief U.S. Negotiator at the current arms limitation talks in Vienna, has testified that Safeguard is a vital bargaining element in his effort to bring about such an agreement.

Support strategic arms limitation by supporting "Safeguard."

THE CITIZENS' COMMITTEE TO SAFEGUARD AMERICA,
DEAN ACHESON,
HENRY CABOT LODGE,
National Cochairmen.

FOUNDING MEMBERS

Dr. George P. Baker, Former Dean, Harvard School of Business.
Mr. Thomas Benitz, President, Student Government Association.
Dr. Alexander V. Berkis, Historian.
The Honorable Charles E. Bohlen, Former Ambassador to USSR and France.
Mr. David E. Bradshaw, Attorney.
Dr. Donald G. Brennan, Scientist.
Mr. Myron Buker, Businessman.
Mr. C. Douglas Cairns, Industrialist.
Dr. W. Glenn Campbell, Economist.
The Honorable Dr. Joseph V. Charyk, Former Undersecretary of the Air Force.
John Dos Passos, Author.
Mr. Thomas B. Evans, Jr., Insurance Executive.
Mr. Peter Fabbi, Miner.
Mr. Joseph F. Fogarty, Insurance Executive.
The Honorable Henry H. Fowler, Former Secretary of the Treasury.
Mr. William France, Business Executive.
Dr. Eugene G. Fubini, Physicist.
Mr. Frederick Gage, Association Executive.
The Honorable Porter Hardy, Former Congressman, Armed Services Committee.
Dr. Charles M. Herzfeld, Physicist.
Dr. Steadman Hines, Lawyer.
Mr. William H. Hunt, Industrialist.
The Honorable Calvin D. Johnson, Former Congressman.
The Honorable J. Erik Jonsson, Mayor of Dallas.
Dr. Herman Kahn, Scientist.
The Honorable Foy Kohler, Former Ambassador to USSR.
Mr. Morris Leibman, Attorney.
Mr. Lawrence Lewis, Jr., Industrialist.
Mrs. Oswald B. Lord, Atlantic Council.
The Honorable Harold Lovre, Former Congressman.
Mr. V. D. Mason, Businessman.
The Honorable Neil McElroy, Former Secretary of Defense.
Mr. Harry C. McKay, Businessman.
Dr. William G. McMillan, Scientist.
The Honorable Keith Miller, Governor of Alaska.
The Honorable A. S. "Mike" Monroney, Former Senator, Appropriations Committee.
The Honorable Richard B. Ogilvie, Governor of Illinois.
Dr. Lawrence H. O'Neill, Electronics Engineer.
Dr. Howard Penniman, Political Scientist.
Mr. Floyd Pruett, Banker.
Mr. George Riggins, Businessman.
Mr. Harold Rivero, Businessman.
Dr. Harold Smith, Physicist.
Mr. Robert Sprague, Industrialist.
Dr. Edward Teller, Physicist.
Mr. John Wayne, Actor.
Dr. Albert Wheelon, Scientist.
Dr. Eugene P. Wigner, Physicist.
The Honorable John Bell Williams, Governor of Mississippi.
Mr. Paul R. Williams, Architect.
Mr. W. Walter Williams, Mortgage Banker.
Mr. Alexander S. Wilner, International Businessman.
The Honorable Samuel W. Yorty, Mayor of Los Angeles.
Executive Secretary: Charles Botsford.
Treasurer: Herbert V. Ladley.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HOLLINGS). The Chair, on behalf of the Vice President, and in accordance with Public Law 91–354, appoints the Senator from North Dakota (Mr. BURDICK) and the Senator from Kentucky (Mr. COOK) to the Commission on the Bankruptcy Laws of the United States.

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.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I suppose it was inevitable that the Presidential veto of the education appropriations would figure in this argument and this debate today.

I think it should be pointed out that the Armed Services Committee cut the budget request for DOD for hardware procurement by almost $1.5 billion. So the bill we have offered here today in terms of an authorization represents a reduction; and of course what DOD submitted to us had already been pared down substantially by DOD itself. The armed services are not getting nearly what they think they need. As a matter of fact, I think that most military opinion held that what DOD requested in the way of authorization was too low; and we have cut that, as I say, by almost $1.5 billion.

I would point out further that the military spending part of our budget is actually lower, percentagewise, than it has been in many years, and the figures will show that over the course of the

past decade, while military spending in terms of percentage of the annual budget has been going down, nondefense spending has been going up. The fact of the matter is that the bills the President vetoed were inflationary, and something had to be done to prevent additional inflationary pressures.

I think we must think, too, in terms of priorities. We spend as much of our gross national product in this country on education as we do on defense. Indeed, we spend more. In 1945, we spent 2.45 percent of our gross national product on education. Now we spend over 7 percent of our gross national product on education.

I really think the problems we find in the field of education in this country cannot be solved by money alone. You do not necessarily improve the quality of the educational product simply by paying higher salaries, although I think teachers should get high salaries. Indeed, when I was an assistant professor of political science at a small college, I was paid only $5,000 a year, and I think that was too low. But I think we do not improve the quality of the educational product in this country simply by spending more money on it. We have got to find better ways to improve it.

I wish these irrelevancies were not brought into the debate on a vital and critical weapons system, but it is almost inevitable that such things will be brought in.

Much has been made of the Russians being concerned about our sincerity. May I say, in terms of priorities, that I think there is no greater priority than our national defense. We cannot have a great society, we cannot have an affluent society, we cannot have a free society unless we first have a secure society. The security of the United States is the most important thing that we in Congress can provide for, and that, I think, is our first responsibility.

As to the Russians being concerned about our sincerity, I do not think that anyone who has a sense of history and who understands what has been going on over the past 25 years, can have any illusion that the Russians are concerned that we might have some aggressive notions toward them, or that the Russians are concerned that we may develop a first-strike capability. I do not think that we should worry about the Russians' concern over our sincerity.

We have good cause to worry about theirs; time and history have given us adequate reason to have some concern about the sincerity of the Soviets. As a matter of fact, we cannot conduct successful negotiations unless we negotiate from a position of strength. And this is an important bargaining chip.

The Senator from Arkansas stated that there was nothing in the testimony before the Committee on Foreign Relations relative to the significance of the ABM system as a bargaining point in the strategic arms limitation talks. I would invite him to read the testimony of Ambassador Smith and Paul Nitze before the Preparedness Investigating Subcommittee of the Armed Services Committee. Unfortunately, it is classified and we cannot go into it on this floor today.

It is essential that we have the ABM. The Russians know we will not launch a first strike against them. They would like to have that capability, because it would enable them, in the foreseeable future, to use it for blackmail purposes. They may not ever have to use it, but the very possibility of using it without any fear of retaliation would give them infinite power in this world. It would mean ultimately, I think, that many nations would have to seek accommodation with them, and they would be in a superior position, I think, by the end of this decade.

The United States could very well find itself being a second-rate military power, being subjected, as are all other countries in the world, to the blackmail threat of a first-strike capability without fear of retaliation.

We would find ourselves economically isolated. We would find ourselves economically unable to do the things we would like to do to solve the socio-economic ills of this country, to provide better education, to provide better housing for people of low income, to provide better nutrition for the poor. All these things we would not be able to accomplish if we were in serious economic conditions resulting from the fact that we were a second-rate power and the dominant economic force in the world was the Soviet Union.

Certainly, the Soviets have no fear that we are going to launch any kind of attack against them, that we have any imperialistic designs on them. Our whole history since World War II has been one of divestiture of colonial possessions, of anti-imperialism.

There was a time in 1948 when we could afford a preemptive war against the Soviet Union, and we had adequate provocation, because they broke every agreement they had made with us. They occupied Eastern Europe and helped to foment the revolution in China, and everything the Soviets did was calculated to extend Communist influence in this world; and at the time when we had the power to fight a preemptive war we did not. They should, on that basis, be convinced of our sincerity and our desire for world peace.

So I fervently hope that not only would the defenses of the United States not be weakened but also that our bargaining posture not be weakened by the adoption of the Hughes amendment. I think this amendment should be rejected overwhelmingly.

Mr. STENNIS. Mr. President, how much time hav I remaining?

The PRESIDING OFFICER. The Senmuch time have I remaining?

Mr. STENNIS. May I inquire how much time remains to the Senator from Iowa?

The PRESIDING OFFICER. Thirteen minutes.

Mr. STENNIS. I yield myself such time as I may require.

Mr. President, I direct this thought primarily to the fact that the Hughes amendment would absolutely stop, totally stop, the deployment and the development of sites. It would stop the wheels in the position they are, although the cost of that development is approximately $1 billion. But that is not the reason I give for opposing the amendment.

If we are going to stop all this deployment now, absolutely stop it, on the Safeguard, why put in large sums of money for further research? This amendment is a determination that the Safeguard deployment is to be abolished. It seems clear to me that we would be traveling in opposite directions, to abolish all deployment and all reference to the sites, and then turn around at the same time and try to put research into a system that has in effect been killed.

I want to point out, further, that no one knows now what is going to happen as to the SS–9. Many of us did not believe that they would ever develop the SS–9 of the magnitude and proportion it is now. We abandoned that concept of the missile years ago and went over to the small missile, but many of them. This weapon now has this qualification for size: It has the equivalent of 25 million tons of TNT. That is in one weapon or one bomb—a single warhead. That is 1,250 times the equivalent of the bomb that we dropped on Hiroshima 25 years ago. We all have seen pictures of it, and many have seen the spot where that happened. That bomb was the equivalent of 20,000 tons of TNT. The SS–9's are the equivalent of 25 million tons of TNT.

I emphasize that to show that if one of those missiles landed anywhere in the neighborhood of one of our ICBM's, undiminished or without any kind of retardation—and an ICBM is an open target—we know that it would be gone.

I do not have any doubt about the need for this system. I have lived with it for years, and I have no doubt about the need, because of the tremendous thrust that could be used against us as blackmail or in actuality. We had better continue with some kind of ABM and not stop or reverse ourselves, move a little forward and then a lot back. We have to make up our minds. I think we are standing right on the brink of that fateful decision today, as to whether or not we are going to do our best; and if we do our best, we will have some kind of defense for our arsenal.

Someone argued here the other day that the idea of trying to have protection for the people has been abandoned. This is the system that will protect the people, because it will protect the people's arsenal. This is the kind of protection that will go to all the people, because one of its main values will be that our adversaries will know that we have something. They may not know how good it is. Certainly, they cannot ignore it. It is the best insurance we can get, too, against blackmail. Three hundred SS–9's are either in being or in process. That is from reliable evidence. So this is an attempt to do something about protecting our arsenal. Some say it is no good; some say it is questionable and ought to be abandoned. Well, that is the history of most complicated systems. We have all come through

that travail. Nothing had a more dismal beginning than the Polaris. I recall going down to Florida in the very early stages of that program, when it was just beginning, and viewing an object that looked like a stovepipe, like one of the mortars that the Vietcong use. That is about all one could see. I was never more disappointed than I was when I saw what the visible developments were in that program.

It sort of broke my faith in it. It turned out to be one of the best weapons we have ever had, one of the best systems we have ever had. That is one, too, that Congress pushed forward—pressure, pressure, pressure, appropriating money at times that it was not asked for, and finally got it spent on a large scale.

So let us not say that it cannot be done, and let us not say that we do not need to do something. I think the protection against blackmail and the creation of uncertainty in the minds of our adversaries is where the payoff is. Frankly, I think if they ever turn loose that power on us, there is no system that will fully protect our people.

The only protection we can make for a certainty is that which I have already mentioned, to keep them from ever firing that first fateful shot and, if it is fired, to reduce that damage.

Thus, Mr. President, the idea, with all deference, is unthinkable to me, that we would actually turn our backs now on this deployment at this critical stage, when the SS–9's are still mounting, and the SALT talks are in a critical period, and say, "Well, after all, we did not mean what we have been saying or what we have been doing and we are going to back up and back out." That is what this amendment, with all deference, would do.

Mr. President, on page 28270 of yesterday's CONGRESSIONAL RECORD there is published a table, as provided by the Senator from Colorado (Mr. ALLOTT) in his speech, showing a comparison of Soviet and United States ICBM's, SLBM's, and bombers in October 1962 and now—which means, of course, 1970.

I invite the attention of all Senators to that table with the reminder that we are not talking in the authorization bill about 1970 but about 1975 to 1980.

Now is the only time we can prepare for that period. We are fixed all right now, but that is because years ago we anticipated these things to the extent that we did, but if we stop now, the Lord have mercy on us in 1975 to 1980 if our adversaries continue as they have done since 1962.

Mr. President, I yield the floor.

Mr. HUGHES. Mr. President, I yield 3 minutes to the Senator from Montana (Mr. METCALF).

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. METCALF. Mr. President, I have consistently opposed this legislation. I feel that before we can build the ABM sites, they will become obsolete.

Today, however, I want to talk about its impact on the State of Montana and what will happen to Montana as a site for the anti-ballistic-missile system.

I have made several speeches and placed extensions in the CONGRESSIONAL RECORD to show that we will be deprived of a great deal of our opportunity to develop in the State of Montana.

Montana will be forced to pay for a great deal of the anti-ballistic-missile system that will be for the entire national interest.

Why? Just yesterday, President Nixon vetoed the education bill, a bill that would help us to develop our school system and build a better education system in Montana as a result of the impact of the anti-ballistic-missile system there.

For instance, in the town of Conrad, Montana, which is a small town right in the middle of this development, its population will be doubled. We do not have any Federal help for hospitals. We do not have any Federal help for roads. We do not have any Federal help for education.

Why should the people of Montana be saddled with this sort of system? Why should Montana in addition to its regular taxpaying—believe me, we in Montana want to support the national defense and we want to continue to support it, and we pay taxes to support it—but why should the Congress of the United States saddle upon the people of Montana a special regulation so that it will have to support additional schools, more roads, more sewers, and all the other situations that will evolve as a result of the anti-ballistic-missile system?

So far as I am concerned, and so far as my constituents are concerned, we think that we should end this thing right away.

Having the ABM system in Montana means that the radar will be built right above the land, which means that the first attack will be upon that radar. Thus, we are not only a target for today, out there in Montana, we are not only a target for any initial attack, but we have to pay, along with all the other people of America, additional taxes for education, for roads, for sewers, and all the other things that will result from the impact of this system. The President of the United States has already vetoed bills that would take care of these auxiliary situations.

I think, that in comity with all the States in the Union, we should think about what we are doing to Montana, as well as North Dakota, when it means that we will have to supply more schools, more sewers, and more roads for all the people that will be brought into our State.

In addition, we are to be made the prime target of an atomic attack.

Mr. President, as a Senator from Montana I plead with the Senate not to do this to my constituents.

Mr. HUGHES. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. The Senator from Texas is recognized for 4 minutes.

Mr. TOWER. Mr. President, I am very much unimpressed by the arguments that suggest we defer defense expenditures and spend that money for other things such as education, social, and other economic problems.

A moment ago, I noted that we are spending a smaller percentage of our budget, and a smaller percentage of our gross national product on national defense than we have in 10 years.

In fiscal 1961, we spent 44.5 percent of our budget on defense, and we spent 8.8 percent on the gross national product.

At the peak of the war in Southeast Asia, fiscal 1968, we spent 42.5 percent of our budget and 9.5 percent of our gross national product.

Last year, we spent 8 percent of our gross national product and 37.7 percent of our budget on national defense.

This year, we are down to 7 percent of our gross national product and 34.6 percent of our budget.

Thus, spending on other matters such as education, roads, housing, welfare, and all the other expenditures, is going up, while defense spending is going down.

If we are going to carry some of the arguments we have heard today to their logical conclusions, it would mean that we should spend nothing on national defense, but should take all the money and spend it on education, welfare, and public works.

If we are going to defend our country, let us spend what is necessary to do it adequately.

If we are not going to defend our country, there is no point in spending any money at all on national defense.

I think we should proceed to do what is necessary to make sure that we maintain at least strategic parity in terms of nuclear weapons and not fall into a position of military inferiority to the Soviet Union. We can be sure if we fall into a position of inferiority that the Soviets will not agree to any limitations that do not fit the status quo and leave the Soviets in a superior position to that of the United States.

We cannot be so shortsighted that we would withdraw support from our Armed Forces so that we would be in an inferior position to that of the Soviet Union. We would then be only a second-rate power at best. We would not be able to afford education, welfare, roads, or any of the other programs.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TOWER. Mr. President, I yield 30 seconds to the Senator from Arkansas

PRESS RELEASE FROM THAI REPRESENTATIVE TO THE UNITED NATIONS PUBLISHING UNFAVORABLE CRITICISM OF U.S. SENATORS

Mr. FULBRIGHT. Mr. President, for the information of the Senate, I ask unanimous consent to have printed in the RECORD at this point a letter I have just addressed to Secretary Rogers, together with its enclosure, a press release from the Thai Mission to the United Nations, reproducing letters alleged to have been sent to U.S. Senators and a report by an unnamed "special correspondent."

Mr. President, I have looked in vain among the press releases of the U.S. Mission to the United Nations for reproductions of letters written by Thai citizens critical of their elected officials and I am beginning to suspect that such liberties are frowned upon in Thailand. I submit, Mr. President, that it is unusual for foreign governments, overtly and publicly to intervene in the domestic affairs of the host government. This should be especially obnoxious in the case of representatives to the United Nations.

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

JULY 31, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I enclose some intriguing press releases from the Permanent Mission of Thailand to the United Nations on which I would appreciate having your comments.

Are the provisions of Article 2(7) of the United Nations Charter which state that "Nothing in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state . . ." equally applicable to resident representatives of the United Nations?

Are the activities represented by these press releases considered to be in the normal discharge of duties of such resident representatives under the Convention on the Privileges and Immunities of the United Nations and the International Organizations Immunities Act?

More generally, what are your views on the propriety of these press releases?

Your early reply will be appreciated.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE MISGUIDED AND DISGRACEFUL U.S. SENATORIAL DEBATE

(By a special correspondent)

Thailand has been following closely the rather degrading debate in the U.S. Senate on U.S. commitments in Asia, and recently those relating to Thailand.

There is no desire in this country to intervene in the matter as it is clear beyond any possible doubt that what the said American legislative body aims at is to gain certain power of control over the executive branch of the U.S. Government, particularly the power of the President. However, since the debate conducted by certain Senators has exceeded the limits of normal decency by seeking not only to undermine the power of the U.S. President but also by dragging Thailand into the unwholesome dispute and casting aspersion on its good name, this statement of facts has become necessary to set the record straight.

In 1967, President Johnson sent Mr. Clark Clifford, then U.S. Secretary of Defense, together with General Taylor to Thailand to urge the Thai Government to send a contingent of Thai troops for combat duty in Vietnam. The Thai Government listened with careful attention to the promptings of the U.S. Government in this matter and agreed in principle to the U.S.'s request (a fact which Mr. Clifford later on twisted to make it appear as Thailand "turning deaf ears" to his entreaties). It was explained to him, however, that because Thailand had to bear not only the burden of economic and social development but also the heavy expenditures of fighting communist activities conducted by North Vietnam and the Peking regime against Thailand, it will not be able to bear the additional costs of sending Thai troops abroad. The United States Government then offered to defray the overseas expenditures of Thai troops while the Thai Government assumed the responsibility for the basic salary as well as many other items of the expenses. Furthermore, since the commitment of the Thai troops exposed Thailand to increased threats and dangers from nearby communist countries, the U.S., at Thailand's request, accepted to provide necessary means to strengthen Thailand's request, accepted to provide necessary means to strengthen Thailand's own defense. Such was a contractual agreement reached between two sovereign countries and there was nothing dishonourable in it. The provision of support for overseas expenditures has been an American practice for many long years and was adopted in Europe as well as in the Korean War. In fact the deployment of foreign troops represented a substantial savings for the U.S. since the use of American soldiers would have cost many times more for the U.S. Treasury. Now the slant taken by certain U.S. Senators to make this practice look disreputable by using such terms as 'Mercenaries,' 'Hessians' and 'Greenbacking' only revealed the malicious intention of those U.S. Senators to malign and crucify Thailand because, in their eyes, this country has committed the unpardonable crime of supporting the policy of resisting communist aggression in Vietnam. Indeed if such a practice is to be considered as dishonourable, this dishonor should fall on the U.S. even more than on Thailand, for having introduced it.

As regards the sum of 200 million dollars which has allegedly been expended for supporting the Thai troops in Vietnam as well as for strengthening Thailand's defence and out of which those senators had been making great capital, it represents a modest counterpart of Thailand's own contribution to the cause of peace in South East Asia. Indeed by allowing the U.S. forces to use many military installations, facilities and air bases on Thai territory free of charge with clear risks to ourselves, Thailand has enabled the U.S. to make considerable savings on American taxpayers' money. Such a cooperation on the part of Thailand also saved countless thousands of American and allied soldiers' lives which may count for very little, if anything at all, for those U.S. senators engrossed with the political struggle with their President. Thailand also exempted the U.S. forces from payment of various taxes and duties which deprived the Treasury of Thailand of considerable revenue. The Thai Treasury also lost an important revenue due to the fact that American P.X. goods under U.S. administration supposedly for military use only have found their way into the market in Thai cities and towns. If all these contributions and losses incurred are added up together, they will represent an impressive sum, many times greater than the afore-mentioned U.S. $200 million. All these facts have been passed over in silence by those irresponsible senators. The disregard of these facts certainly did not redound to their credit nor to that of the U.S. It reveals a sad lack of good faith, of the sense of fairness and a deplorable deterioration of the normal fiber of those unworthy politicians betraying the mandate of a generous people.

TEXT OF LETTER WRITTEN TO SENATOR J. WILLIAM FULBRIGHT BY WILLIAM J. HALLIGAN OF CHICAGO ON 4 JUNE 1970

I have just come from a three-week trip to the orient. One of the highlights, of course, was a visit to 'Expo 70.' After seeing the American exhibit and the Russian exhibit, another American traveling with me said they must have been put together by the same man.

I thought about this for a while and then in a flash the answer came . . . Senator Fulbright. . . . It just had to be because nobody seems to try so hard to muddy up the image of America and by this action make the image of Russia look good.

It's a shocking thing to go through these Asian countries, all of which are trying to keep out of the Communist maw and learn that the most hated man is Senator Fulbright.

Obviously, I am not talking about the man on the street, but Prime Ministers, the foreign military and various other hard-working people who appear to hold you in very low esteem.

In one of the countries I asked a dignitary whether you had visited his country. He said you had about 8 or 10 years ago, and after they spent an hour or more explaining the local picture to you, you excused yourself and said you were sorry but you had quite a long shopping list. I presume your gifts were paid for by counter-part funds.

I know you and McGovern and Gore and a few others have made some offensive remarks about the President's decision to go into Cambodia. I got over there right after we moved into Cambodia and these people say our President's decision was a brilliant one and most courageous. The improvement in morale is amazing.

I have written to you once before and received no answer, and presume there will be no answer to this either, but if I can do no more than urge you to go over there and see what is going on, not only you but the other recalcitrants, my letter will not have been in vain.

TEXT OF LETTER FROM MISS BETTY DUMAINE TO SENATOR SYMINGTON

PINEHURST, N.C.,
June 9, 1970.

DEAR MR. SYMINGTON: What kind of statesman are you? Your outrageous insistence on publicizing the costs of equipment and training of 16,000 Thai troops to help the United States fight in Vietnam, *at this point in the history* of the Vietnam War, only aids and abets the enemy *with added propaganda to increase unintelligent unrest* in America.

These troops were demanded of the Thai Prime Minister by President Johnson in 1967.

Your remarks as quoted this week on radio are the most stupid you have yet made!

Who made Thailand vulnerable to the Chinese Communists?

Answer: The Americans, by putting seven enormous U.S. air bases there.

Have you forgotten that the War in Vietnam is not a Thai war?

Have you forgotten that Thailand has not fought in 200 years?

Have you no knowledge of what it takes, in time and money, to train and equip men who have never used a gun in their lives?

Have you forgotten that these volunteer troops (not conscripted men), when ready and trained from scratch, in their first encountered battle in Vietnam (to help us) did a better job, in body-count-killed, than any American unit in any single similar American encounter since the Vietnam War began?

Don't you know that you and others of your Committee pressured through regulations, so that these splendid troops (the Thai Black Panthers) are not allowed to come home and help reinforce their own borders against infiltration, to help clear out the mountain-jungle nests of imbedded Communist installations already there, many of them for over two years?

Surely, all you (and many other Senators and Congressmen like you) are doing is to try to tie the hands and paralyze the power of our President, given to him by the Constitution as Commander-in-Chief.

We can all agree that the Vietnamese have been too long and badly handled.

Common sense tells me . . . and, if you are honest, it also tells you . . . that a complex problem such as this one, that has baffled the best efforts of our leaders for years, requires time and patience and wholehearted support to solve. Our President deserves a fair chance for his new policies in trying to end this war.

Back President Nixon and give his new war policies a chance to work.

Don't you know that *you* and the other influential men of the Armed Services Committee, by your tactless, loud, undignified public flaunting of accusations of the mishandling of U.S. funds (for equipping Thai troops) are alienating relations and the helpful friendliness of the military-man-assistance of our Number One Southeast Asian ally, Thailand?

It's people like you, in powerful positions, that are destroying our American foreign relations with your reckless, self-serving, inopportune (I want to say "damnable") indiscretions *at such a time*. (And this goes for Fulbright too.)

You have other means to combat the mishandling (if that is what it is) of American Assistance funds.

These public accusations *at this time* seem to most of us taxpaying citizens to be a deliberate exhibition on your part (and on the part of your colleagues of similar persuasion) to bring attention to yourself for . . . personal power-prestige!

Or . . . are you un-American?

Or . . . are you stupid?

You and other government officials are *directly responsible* for the *poor overweighted-table-of-organization in Foreign Aid and Army Assistance within our diplomatic missions.*

You've handicapped these programs disgracefully . . . by short-changing the progress of commitments to equip *adequately* and train *enough* Thai Border Patrol Police and other border security troops to be able to help themselves sufficiently.

(Half measures, not followed up intelligently, are worse than no measures at all.)

This is shocking!

Also you have *Nowhere,* in *your table-of-organizations* of the various program of government assistance for these purposes, provided *any authority or machinery for immediate corrective* measures in the provision and administration of assistance . . . or any corrective measures at all.

For shame!

(If these people are worthy to be our allies they are worthy of our best assistance and support.)

You and your associates are directly to blame.

For one example: the 16 3-seater Fairchild helicopters (never inspected on arrival or made operational . . . a fact admitted by Army Assistance) should never have been ordered in the first place because they were *unsuitable in size* for carrying supplies and replacements to jungle mountain areas and Thai border platoons . . . for which they were intended.

Don't give me any more government excuses and arguments . . . I've heard them all . . . that the eleven HUE 1 helicopters sent to Thailand this year are to take the place of the sixteen unsuitable Fairchilds! Nonsense!

These eleven can only help to replace what's left of the eight worn out and wearing out HUE 1's . . . most of them 8 or 10 years old!

There are now nineteen helicopters (eleven new and eight old) . . . not enough to do the job adequately of carrying supplies and replacements to mountain-jungle Border Patrol Police platoons in a country the size of *France.*

A helicopter is only operational for 60 hours flying time.

The average reservicing time is three days.

What kind of short-changing assistance to our Number One Southeast Asian ally do you call this?

It has been going on for the last four years.

Where are your corrective measures?

(Would you spend your own money so pointlessly, so foolishly, and with so little safeguard?)

Are these people worthy to be our allies?

(Do we not demean ourselves when we demean the people we ask to help us?)

Mr. Symington. . . . citizens and taxpayers like myself who have seen the Thai situation and know of the American failure to back up our promised assistance, *adequately,* and our last few years of stupid, unjustifiable, indeed ruinous, enlargement of the new unworkable bureaucratic-table-of-organization hocus-pocus, *totally without provisions* for quick authoritative and effective corrective measures allowed within the framework of our Diplomatic Mission, look on this as a national disgrace.

We are ashamed of YOU and your short-sighted Congressional committee.

Very truly yours,

BETTY DUMAINE.

P.S.—The television report I heard mentioned that you are questioning the Thai's base pay (something like 80¢ a day!). How can you expect the Thais to fight alongside our boys without comparable compensation? This is not a Thai War.

These men have volunteered (were not drafted) to assist American troops at the request of President Johnson. They *should* have pay equivalent to that of their counterpart G.I.'s . . . If this is not your thinking then your understanding of the psychology of foreign soldiers and of good foreign relations is unsound.

ORDER OF BUSINESS

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time consumed be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I wish to thank the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services. He has been more than generous in yielding of his own time in this 2 hours allotted for this debate for those who oppose this system entirely to have an opportunity to present their views.

In the time that remains I wish to refresh Senators precisely as to what this amendment would do. I would like to advise Members of the Senate again about the procedure made necessary for altering this amendment to its present state.

This amendment, Senate Amendment 829, is designed to accomplish two goals. First, it would strike out all of the funds for procurement of missiles for the Safeguard system. Second, it would flatly prohibit the expenditure of any funds, appropriated pursuant to this or any other act, from being used to deploy a Safeguard ABM system. But it would not reduce the funding of continued research and development on Safeguard.

If my amendment were adopted, the Senate would have clearly expressed its will, and this body would be on record as favoring a halt in all deployment of Safeguard at this time. My amendment would not make any significant changes in section 401, which is found on page 16 of the bill as reported by the Committee on Armed Services. Section 401 contains the provisions which authorize construction of Safeguard facilities and sets down the limitations on that authorization. Section 401 would become moot if amendment 829 were agreed to, since it would cut off all Safeguard deployment funds and prohibit any other funds from being spent on the system.

Therefore, in the event amendment 829 is agreed to by the Senate it would be necessary for the Senate to do some technical housekeeping with respect to section 401 of the bill. I am advised that this does not involve any serious or difficult complications.

I wanted to call this to the attention of Senators before we proceed to the conclusion of the debate.

Mr. President, this has been, I believe, an historic debate. We have had an opportunity to make the Nation aware of the dangers from a continued nuclear arms race. Although we may disagree on the best way to secure an agreement with the Soviet Union to limit these terrible weapons, I am pleased that we are united on the objective of limitations in strategic arms, and that we are working toward those goals.

The amendment on which we are about to vote is intended to eliminate all funds for deployment of phases I and II of Safeguard. It thus goes beyond the Hart-Cooper amendment, which would preserve phase I but delete funds for phase II.

My amendment would also add a simple prohibition on the use of any funds to deploy a Safeguard system at any site. However, it would permit research and development to continue.

If we were to eliminate from this bill all funds for Safeguard, other than R. & D., we would save a total of $984 million. The Armed Services Committee has already reduced the administration's request by $10 million.

As others have called to the attention of the Senate, that adds up to $994 million—precisely the amount by which the

Housing and Urban Development and the Office of Education appropriations bills exceeded the President's request and precisely the amount which the President said motivated him to veto the two crucial appropriations bills yesterday.

Mr. President, there are those of us who believe this is the appropriate place to make that cut rather than the one the President chose, and I think the Senate has the opportunity to save that $994 million.

Here, if ever, Mr. President, we have a clear choice in our national priorities. Do we want to build the weapons of war, or do we want to save our cities and our children?

The President says that we cannot afford an extra $994 million in the budget. He say that this kind of excessive spending helps drive up the cost of living, drive up interest rates, and necessitate tax increases.

If that is so, the Senate has a great opportunity to save that excessive $994 million. We can deny funds for phase I and II of Safeguard.

In doing that, we would still allow increased funds to help veterans, increased funds for school systems facing special problems, and increased funds for renewing our troubled cities.

That is our real choice, Mr. President: To move backward into the dark horror of the arms race or to move forward to help our people live better and more productive lives.

I hope, for the sake of our country and for the sake of world peace, that we make the right choice.

Mr. President, in conclusion there has never been any doubt in my mind of the common belief of all Senators that we have an adequate defense system. We differ in what we feel is adequate and the methods by which we achieve it. I believe we are agreed on a cessation of the arms race. We should not lose sight of the basic agreements that unite us although we may differ on the facts before us, and we have the right to differ on the facts before us on the best way to make this approach. There has been adequately displayed in debate the common interest of the United States. In this goal I have chosen to believe and I do believe the evidence supports the position that we should limit this to nothing more than research and development phases in the time just ahead.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, at the risk of being redundant, I would like to repeat a statement I made on the floor last evening, and that is that the committee provision on ABM is the minimum that the administration will accept. The administration, indeed, asked for more. We gave it less. What came out of the committee is itself a compromise. The administration is, therefore, opposed to all known amendments that have been addressed to the ABM portion of the bill. That includes the Brooke amendment.

I have heard rumors to the effect that the Brooke amendment has gained some degree of acceptability at the White House. I have talked with the White House. It is not so. The White House is opposed to all known amendments that may be addressed to the ABM.

Mr. STENNIS. Mr. President, I yield myself 2 minutes to reiterate one point. As far as I know, no other Senator wants to speak.

I think the Senator from Iowa has very clearly and correctly stated just what his amendment does. It absolutely cuts out all of the money for procurement under phase I, approved last year, and phase II, proposed this year. It cuts all that goes toward procuring the items that might go into the sites that are not part of military construction. It eliminates all of that. Then it eliminates the construction money. Although I believe the language is not quite broad enough, it would certainly, in effect, eliminate it, because it leaves nothing to build on.

My point is this: We may as well take out the whole thing, because we are knocking it in the head. We are killing it. The Safeguard already has largely reached the point where, if we are not going to permit items that go with procurement and research that goes into procurement, we are totally killing Safeguard. It has already reached the design stage. There is appreciably no research to be done prior to and up to the design period. So the money that is sought to be taken out of the bill relates to all the things that are necessary to continue the research that is really in the nature of development and that goes with deployment.

So I think it is fair to say that this amendment, if adopted and if it becomes law, will kill the program.

Mr. THURMOND. Mr. President, adoption of the Hughes amendment ending the Safeguard program would be the height of folly. Such an action would make the United States vulnerable to a Soviet attack in the mid-1970's if not sooner; it would cut the legs out from under our negotiators at the SALT meeting in Vienna and would throw down the drain about $2 billion the United States has already committed on this program.

Mr. President, the Soviets have already surpassed this country in Intercontinental Ballistic Missiles. Any delay in the defense of the U.S. Minuteman deterrent is unacceptable in the light of this buildup by the Russians. The Soviets have conducted tests of their ICBM's and U.S. observation of these tests show the dispersion of the Soviet shots fit exactly on the layout of our Minuteman silos. It is obvious, therefore, that the Soviets have the capability to launch an attack on our Minuteman bases in the western part of this country.

The Senate and the Congress have an obligation, along with the President, to provide a proper defense for this country. The ABM is a vital part of that defense. It is not an offensive system and it does not constitute an escalation of the arms race as the Russians already have their own ABM. In fact, they are improving and expanding their ABM daily.

Mr. President, I urge defeat of the Hughes amendment.

Mr. CRANSTON. Mr. President, in the heated debate over the future of the Safeguard antiballistic system all of us have had to rely on the judgments of eminent scientists because of the very complex and sophisticated nature of the weapon system we are required to evaluate responsibly.

On August 7 and August 11 supporters of the present effort to expand the Safeguard system made reference on the floor of the Senate to a distinguished scientific organization known as the Federation of American Scientists. It was stated that this group had continually refused to recognize the growing Soviet advances in strategic strength and that the leading members of FAS did not fully endorse the Federation's press statement in opposition to Safeguard.

I would like to clarify for my colleagues the position of the Federation of American Scientists.

FAS is a national, nonpartisan organization concerned with the impact of science on national and international affairs. It was founded in February 1946. As it is about to celebrate its 25th anniversary, FAS has a current membership of over 1,500 scientists and engineers with a national office in Washington.

The present national chairman of FAS is Dr. Herbert York. Dr. York is chancellor and dean of the University of California at San Diego. He was the first director of defense research and engineering in the Department of Defense and served under both Presidents Eisenhower and Kennedy. He was an adviser to President Johnson.

The executive director of FAS is Dr. Jeremy J. Stone who is an expert on arms control and the author of "Containing the Arms Race."

The Board of Sponsors of the Federation of American Scientists includes Dr. Hans Bethe, Dr. Owen Chamberlain, Dr. Harlow Shapley, Dr. Harold C. Urey, Dr. Robert R. Wilson, Dr. Jerome Wiesner, and Dr. George B. Kistiakowsky.

On August 3, 1970, FAS issued the following statement:

> The protection offered by Safeguard for the Minuteman force is negligible. Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed. For Safeguard to have any significant effectiveness at all in protecting Minuteman, the Soviets would have to "tailor" their threat to correspond to it.

This statement was specifically endorsed by the following distinguished members of the Federation of American Scientists: Dr. Jerome Wiesner, Dr. Wolfgang K. H. Panofsky, Dr. Marvin L. Goldberger, Dr. Herbert York, and Mr. Herbert Scoville, Jr.

Proponents of the Safeguard system have criticized these men and FAS for their long-standing opposition to ABM saying that they have said nothing new in arguments against development and deployment of Safeguard.

I contend that the past and present opposition of these scientists to Safeguard is based on strong and convincing scientific evidence that this system cannot perform the job it has been designed

for. To fault these scientists for their "continued opposition" to Safeguard only points out how consistent these men have been in their technical evaluation of Safeguard's reliability.

Proponents of Safeguard also criticized FAS for digging through the public record and producing conflicting and contradictory statements made by officials concerning the reliability and role of Safeguard. In doing this the Federation of American Scientists has performed a vital service of providing the public with information and demonstrating how the administration has been seeking a strategic mission for Safeguard.

I believe that the Federation of American Scientists has ably provided the Congress with the type of information it needs to thoughtfully evaluate a complex issue. Their expertise has been invaluable in the Safeguard debate.

Their judgment has been one of the factors leading to my judgment that to proceed with ABM deployment is folly, and for that reason I support the Hughes amendment.

Mr. DODD. Mr. President, today's debate on the ABM is, essentially, a continuation of the historic debate which took place in the Senate over the summer months of last year.

At that time, I supported the deployment of the Safeguard ABM system, on three basic grounds.

I said that the commitment was necessary for political reasons because the entire course of Soviet conduct since World War II, including the masssive buildup of ICBM's in recent years, points to the conclusion that we are entering a period of continuing crisis, in which the lack of any kind of ABM system could only serve to encourage Soviet aggressiveness.

I also supported the deployment on moral grounds because I believed that it is infinitely better to build defensive weapons designed to discourage nuclear aggression, than it is to build aggressive weapons capable of wiping out entire cities.

Finally, I argued that the commitment to the Safeguard ABM would be conducive to an early arms control agreement with the Soviet Union because it would make the Kremlin weigh the cost of a continuing technological race with the United States.

At the time, some of the critics of the Safeguard system made dire warnings that the approval of the system would sabotage, or even completely nullify, the possibility of serious negotiations on arms limitation. They said that if Safeguard were approved, the Russians would have nothing to do with the SALT talks. But the fact is that Safeguard was approved; and not only have the Russians participated in the SALT talks, but there is solid reason for believing that an agreement of major significance, limiting the deployment of nuclear weapons, will emerge from these talks.

If the progress made in the SALT talks to date is any criterion, then those who argued that Safeguard would be conducive to arms limitation were demonstrably right, and those who argued the contrary have been proved completely wrong.

Our national defense must be geared to international realities. Had there been a genuine reduction of tensions between ourselves and the Soviet Union over the past year, had there been any evidence, for example, of Soviet willingness to call off the war in Vietnam, then an argument could be made for further unilateral restrictions on our defense technology.

But the fact is that there has been absolutely no letup in the massive Soviet military buildup which has, year after year, confounded the estimates of our intelligence community. In certain critical areas, the Soviets already have a marked superiority over the United States, while in other areas they are forging ahead at a frightening pace.

Without Soviet support the Vietnam war could not continue for another month. But this war continues nonetheless.

The Brezhnev doctrine remains on the books, reinforced by the Soviet invasion of Czechoslovakia only 2 years ago.

Under the circumstances, I believe that the administration and the Armed Services Committee have acted prudently in recommending the limited expansion of the Safeguard ABM system. The recommendation of the Armed Services Committee does not completely grant the administration's request. But it goes a long way toward meeting this request by approving funds for a Safeguard site at Whiteman Air Force Base in Missouri and advanced preparation for another site at Warren Air Force Base.

I am opposed to the Cooper-Hart amendment, and I am also opposed to the amendment offered by my able friend, the junior Senator from Iowa, because these amendments, in completely rejecting the administration's request, fail to take account of the grave dangers that confront us over the coming period.

I cannot blame anyone who would like to believe that the world is a somewhat better and more hopeful place than it really is, but we invite destruction as a nation if we continue to play the game of ostrich.

Perhaps more than ever today, it is necessary for us to recall the warning which President John F. Kennedy was about to speak in Dallas when he was cut down by an assassin's bullet on November 22, 1963:

> Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigil cannot be relaxed.

It is my hope that we will be able in the course of the SALT talks to achieve properly safeguarded agreements limiting the manufacture and deployment of nuclear weapons.

But since even a successful agreement will leave large arsenals of nuclear weapons on both sides, we must at the same time seek to devise measures that will make nuclear war completely unthinkable even for the most reckless adversaries.

No matter what some of the critics may say about the possible ineffectiveness of Safeguard, it is bound to introduce still further question marks into the calculations of those who might be thinking of nuclear aggression. And to this extent, it will serve to make a nuclear holocaust even more unthinkable than it is today.

This is the essential justification for the expansion of the Safeguard ABM system requested by the administration.

It is pointless to argue that the ABM may become outdated. There are no measures and no systems that are good for all time. In the area of defense, we have to plan a decade at a time.

Looking toward the future there are still further measures that can be taken to enhance our national security and to make nuclear war unthinkable. Among other things, we might consider the advisability of putting the major part of our deterrent missile force at sea in Polaris submarines. This would involve no increase in the actual number of missiles in our arsenal. But in the long run it would give us a missile force less vulnerable to Soviet surprise attack, and one which does not invite Soviet missiles to target against points on the American mainland.

I was encouraged to learn that some thought is being given to this possibility in the Pentagon.

The transition would not be an easy one to make, and certainly it would be time consuming. The proposal, however, deserves our serious consideration, and I intend to deal with the matter in greater detail in a later statement.

Meanwhile, in order to protect ourselves over the coming critical period, I believe that the moderate expansion of our Safeguard system proposed in this legislation is one of the cheapest forms of insurance we can buy.

Mr. HATFIELD. Mr. President, when President Nixon vetoed the Education Appropriation bill and the HUD and Independent Offices Appropriation bill, he stressed the need to stem inflation. I concur with this need, and I stressed the rise in inflation when I campaigned as a surrogate candidate for Mr. Nixon in the 1968 presidential campaign.

We in Congress should listen hard to what the President said:

> We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes.

The Senate faces a situation where we will ask ourselves if we want to fuel the fires of inflation by approving an addition of nearly $1 billion in Federal spending.

The President said we cannot have something for nothing. I believe that the ABM represents nothing for something. In fact, a vote for the ABM says yes to a higher cost of living, yes to higher interest rates, and yes to higher taxes.

Investment of an additional $1 billion for the ABM is a dubious bargaining chip to convince the Russians to disarm, and a waste of tax money. I contend such spending is unnecessary and inflationary and that the Indochina war and wasteful defense spending are the principal causes of rising inflation rather than domestic spending programs.

Between 1958 and 1965 consumer prices rose an average of only 1.3 per-

cent per year. Since 1965 when the war was escalated, there has been a steady rise to an annual rate of 6 to 7 percent—with a corresponding rise in interest rates which has been damaging to Oregon's forest products industry.

Inflation will continue to rise when we spend $72 billion for military budgets and it will not be halted by vetoing additional funds for education, urban renewal, for basic water and sewer programs and veterans. We must reduce total Federal spending, I agree, but education and housing should not be made to bear the brunt of these reductions.

This entire question involves more than a preference over whether to cut the military or the civilian expenditures in order to stop inflation. If we are seriously concerned about stemming inflation, and want to cut the spending that contributes mostly to inflation, then it is military spending which should receive the highest priority for reductions.

Defense dollars do little to stimulate overall economic growth and development. A large portion of the budget, including items such as the ABM, are principally expenditures for the procurement and production of materials, rather than the teaching of skills. Aside from a few jobs in the immediate area, the ABM will provide no stimulus to the growth of the economy. Expenditures of this sort are "dead end," and have few positive economic consequences. Thus, they are far more inflationary than the education expenditure which the President has vetoed. Education expenditures create skills and, therefore, enable more Americans to become productive citizens—contributing positively to the economy.

A historical review also illustrates these points. For instance, in "What Price Vigilance," the economist Bruce Russett calculated that for each dollar increase in defense spending from 1939 to 1968, there was a consequent decrease of $.42 in personal consumption. Even more to the point, however, is that investment suffers far more than consumption by military spending. Of all the areas of investment, his figures demonstrate that housing suffers the greatest. Yet the President has claimed that the housing appropriation must be vetoed because it is inflationary. In my opinion, high defense expenditures are a far greater cause of inflation, and they also have a crippling effect upon our ability to provide housing for Americans. Vetoing needed funds for housing will not solve the inflation problem—it will only worsen our housing conditions.

Mr. President, I will vote to override the President's veto of these two appropriations bills.

Education needs must not be put aside in the name of fiscal economy, when this is countered with inflationary military budget requests.

Items such as increases in medical care for veterans in the VA program, urban renewal efforts, and water and sewer treatment facilities cannot be scrapped in the name of fiscal economy, when this is coupled with support for military spending that far exceeds what this country needs to remain strong.

In May, Oregon voters approved a massive State program to fight air and water pollution. They dug into their pockets at a time when our State unemployment far exceeds the national average. Following the vote, I pledged to the voters of my State that I would vote to insure adequate Federal funding for control of water pollution. The Hughes amendment would save an amount almost equal to the sum of the two vetoed appropriations bills.

The Cooper-Hart amendment would save about $322 million this year. The vetoed HUD appropriations included an increase of $350 million for water and sewer facilities.

To me, this presents a simple equation. I will vote to save $322 million today and to spend $350 million tomorrow.

I certainly realize that inflation will not be stopped completely by taking money from one account—in this case the military budget—and spending it elsewhere—in this case education and housing.

Those of us who seek to halt waste in military spending have examined the defense budget closely, and have come up with cuts that total nearly $15 billion. Even if all these cuts were made, our country still would be strong and our defenses would be more than ample.

These cuts would do much to halt inflation. They would assist in implementing the Nixon doctrine, and assist the President in his efforts to stem inflation. I agree with him when he says that if we spend more than we receive, the American taxpayer pays the price—either in higher prices or higher taxes.

I share the President's concern for the average family, and I, too, draw a line against increased spending. I ask myself, which does this average family want, is it the new strategic bomber or is it better sewers? Is it an ABM, or is it better medical facilities for our veterans and better cities in which to live?

To me, the answer is clear. The people of this country oppose wasteful defense spending. They want reductions in Federal spending, and the ABM is an example of where these cuts must take place.

Today, we have seen in a dramatic way how decisions on military spending involve choices over our Nation's priorities.

I will make that choice for an America that is economically strong and a Nation that invests in the future of its people.

Mr. HUGHES. Mr. President, I am prepared to yield back the remainder of my time. I understand the Senator from Rhode Island (Mr. PASTORE) has a matter.

Mr. PASTORE. Mr. President, will the Senator yield for a privileged matter that will take only a minute and which is going to be announced? I ask unanimous consent that the Senate temporarily lay aside the pending matter until we take action on the privileged matter.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator state the parliamentary inquiry?

Mr. PASTORE. Mr. President, I may inform the Senator that I am going to handle it. It will take only 1 minute.

Mr. STENNIS. I yield 1 minute.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 1708) to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon and that Mr. STAGGERS, Mr. MACDONALD of Massachusetts, Mr. VAN DEERLIN, Mr. SPRINGER, and Mr. BROYHILL of North Carolina were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14956) to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

The message also announced that the House had passed a bill (H.R. 18619) to establish the offices of Delegate from the District of Columbia to the Senate and Delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act, and for other purposes, and it was signed by the Acting President pro tempore (Mr. SCOTT).

HOUSE BILL REFERRED

The bill (H.R. 18619) to establish the office of Delegate from the District of Columbia to the Senate and Delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENT OF ACT RELATING TO EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE

Mr. PASTORE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3637.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes, which was to strike out all after the enacting clause, and insert:

That (a) the first sentence of section 315 (a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ", except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

SEC. 2. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection, the term 'major elective office' means the office of President, United States Senator or Representative, or Governor or Lieutenant Governor of a State.

"(2)(A) No legally qualified candidate in an election (other than a primary election) for a major elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or

"(ii) $20,000, if greater than the amount determined under clause (i) (or if clause (i) is inapplicable).

"(B) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under subparagraph (A)(i) shall be 7 cents multiplied by such greatest total number of votes for statewide office.

"(3) No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under paragraph (2) with respect to the general election for such office.

"(4) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for major elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(5) No station licensee may make any charge for the use of such station by or on behalf of any candidate for major elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) or (3), whichever is applicable.

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State (other than Governor or Lieutenant Governor) or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a major elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.

"(e) For the purposes of this section, the term 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system."

SEC. 3. The amendments made by this Act shall take effect on January 1, 1971.

Amend the title so as to read: "An Act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting."

Mr. PASTORE. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. PASTORE, Mr. HARTKE, Mr. SCOTT, and Mr. BAKER conferees on the part of the Senate.

Mr. PASTORE. Mr. President, I merely want to announce that there will be a conference at 4:15 o'clock this afternoon.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed 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.

Mr. STENNIS. Mr. President, assuming that all time has been yielded back, what is the parliamentary situation? What is the pending question? And if all time has been yielded back, will we come to a vote immediately?

The PRESIDING OFFICER. The pending question before the Senate is on agreeing to the amendment of the Senator from Iowa (Mr. HUGHES), amendment No. 829, to amendment 819, the Cooper-Hart amendment. The yeas and nays have been ordered.

Mr. STENNIS. And this will be a direct vote on the amendment—yes or no?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Mr. President, I yield back my time.

Mr. HUGHES. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Iowa to the Cooper-Hart amendment. On this question the yeas and nays have been ordered, and the clerk called the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. On this vote I have a live pair with the Senator from Minnesota (Mr. MCCARTHY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore, withhold my vote.

Mr. KENNEDY. I announce that the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and, if present and voting, would vote "nay."

The result was announced—yeas 33, nays 62, as follows:

[No. 255 Leg.]

YEAS—33

Bayh	Hart	Montoya
Brooke	Hartke	Moss
Case	Hatfield	Muskie
Church	Hughes	Nelson
Cranston	Inouye	Pell
Eagleton	Javits	Proxmire
Fulbright	Kennedy	Saxbe
Goodell	Mathias	Schweiker
Gore	McGovern	Smith, Maine
Gravel	Metcalf	Williams, N.J.
Harris	Mondale	Young, Ohio

NAYS—62

Aiken	Ervin	Pastore
Allen	Fannin	Pearson
Allott	Fong	Percy
Anderson	Goldwater	Prouty
Baker	Griffin	Randolph
Bellmon	Gurney	Ribicoff
Bennett	Hansen	Russell
Bible	Holland	Scott
Boggs	Hollings	Smith, Ill.
Burdick	Hruska	Sparkman
Byrd, Va.	Jackson	Spong
Cannon	Jordan, N.C.	Stennis
Cook	Jordan, Idaho	Stevens
Cooper	Magnuson	Symington
Cotton	Mansfield	Talmadge
Curtis	McClellan	Thurmond
Dodd	McGee	Tower
Dole	McIntyre	Williams, Del.
Dominick	Miller	Yarborough
Eastland	Murphy	Young, N. Dak.
Ellender	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Byrd of West Virginia, against.

NOT VOTING—4

Long	Mundt	Tydings
McCarthy		

So Mr. HUGHES' amendment (No. 829) was rejected.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield 15 minutes to the Senator from Missouri.

THE SAFEGUARD SYSTEM

Mr. SYMINGTON. Mr. President, last year the issue of the deployment of the Safeguard anti-ballistic-missile system resulted in one of the longest and most far-reaching debates in the history of the U.S. Senate.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. Will the Senate please be in order?

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair enforce the rules of the Senate, and, under the rules, in order to assure order in the Senate, that the Chair clear the floor of aides to Senators.

The PRESIDING OFFICER. The Senator from Missouri will suspend.

Mr. ALLOTT. Mr. President, may I inquire what the request is?

The PRESIDING OFFICER. The request of the Senator from West Virginia is that the Chair enforce the rules and order the Sergeant at Arms to clear the Chamber of all unauthorized personnel.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. I thought the rules of the Senate provide that a Senator may have an aide on the floor.

The PRESIDING OFFICER. Under the rules, aides are not prohibited on the floor, but the Chair, in its discretion, has the right to order from the floor unauthorized personnel, for the maintenance of order.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may have a member of my staff remain on the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I make the same request.

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

Mr. CASE. Mr. President, I make the same request.

Mr. YOUNG of Ohio. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YOUNG of Ohio. When the Chair permits attachés to remain in the Chamber at the request of their Senator, are not those attachés obligated to be seated on a small chair beside the Senator? I do object to their standing up anywhere in this Chamber.

The PRESIDING OFFICER. Does the Senator object to the specific request of the Senator from New Jersey that his aide be permitted to remain in the Chamber and to be seated on the couch in the rear of the Chamber?

Mr. YOUNG of Ohio. I have no objection to that, of course. That is where they should be seated.

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

Mrs. SMITH of Maine. Mr. President, I make the same request.

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

Mr. COOPER. Mr. President, I ask unanimous consent that a member of my staff, Mr. William Miller, be permitted to remain in the Chamber.

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

Mr. FONG. Mr. President, I make the same request.

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

Mr. JACKSON. Mr. President, I make the same request.

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

Mr. DOMINICK. Mr. President, I make the same request.

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

Mr. GOLDWATER. Mr. President, I make the same request.

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

Without objection, it is so ordered also as to the Senator from Oregon, the Senator from Massachusetts, the Senator from Michigan, the Senator from Nebraska, and the Senator from California.

Mr. MANSFIELD. Mr. President, I think the Senate is making a spectacle of itself. After all, Senators are here to look after their own business. There are occasions when an aide is needed, but the way it is going now, it looks as though every Senator, with a few exceptions, is standing up and asking whether he can have his aide on the floor. There just is not room enough. We have to hear one another. I would hope that all Senators except those with real reasons, such as the distinguished Senator from Maine, for example, and the distinguished Senator from Kentucky and others, would keep that fact in mind.

Mr. AIKEN. Mr. President, I make a similar request, for a short time, anyway.

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

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the time consumed by the recent discussion between the Chair and the distinguished Member of this body not be taken out of my time.

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

The Chair now recognizes the Senator from Missouri for 15 minutes, the time to be charged to the Senator from Michigan.

Mr. SYMINGTON. During the debate on Safeguard—which constituted perhaps the most thorough review ever made by the Congress of a military weapons system—many technical issues were raised with respect to the actual operation of the Safeguard system as designed, the extent of the threat, and how the system would handle such a threat.

The Senate even went into closed session in order to discuss the classified statistics on which the Pentagon had based its case in support of deployment of Safeguard.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senate will be in order. The Chair observes that the Senators themselves are causing more noise than the attachés.

Mr. SYMINGTON. I thank the Chair.

Many Senators, plus a number of eminent scientists and engineers, were not satisfied that the technical operations of this ABM system had been adequately researched to warrant authorization of deployment at that time; and therefore recommended continued research and deployment on the various components before placing them in the field.

As we all know, last year 50 Senators supported this position; and this year, there are many of us who are still quite skeptical of the effectiveness and reliability as well as the "high cost," of this weapons system. Facts brought to light in the intervening year have made it even clearer than before that more intensive research and development should be undertaken before proceeding with deplayment of the entire system.

I will not take time now to reiterate the many technical arguments which have developed in recent months during hearings and in debate on the floor, but would point out one particularly interesting development; namely, that the concern of many Senators last year with respect to the vulnerability of the MSR radar has been borne out by the fact the Defense Department is now actively studying the possible deployment of a number of smaller, less expensive radars in the Minuteman fields. This is exactly what a number of prominent scientists, including Dr. Panofsky, recommended last year.

It is also interesting to note, in contrast with last year's presentation, the Defense Department is now strongly emphasizing research and development on a number of alternative systems, such as ULMS—Undersea Longrange Missile System—hard-rock silos and mobile Minutemen.

As Senators will remember, last year the Defense Department supported deployment at the two phase I sites—Malmstrom and Grand Forks—because "such deployment was necessary to provide for early shakedown of the integrated operational components."

Although the Defense Department lists what they term "significant Safeguard research and development milestones" since May 1969, in support of further deployment of Safeguard this year, in my opinion there are still many questions left unanswered, as well as many new ones raised, as to the operation of this highly complex system.

As an example, how much do we really know about the effect of nuclear explosions on the operation of either the Safeguard defensive missiles or the firing of the offensive Minuteman? And has development of the software—the computer—of this system advanced to the stage that we can be confident of the "effective linkage" of the major components?

Because of these and other lingering questions, I believe that Senators HART and COOPER are prudent in recommend-

ing that funds for Safeguard be limited to those requested for the two sites authorized last year. It would seem far better to try to work out the "bugs" in the system at two sites, than to proliferate a possible ineffective or outmoded system to other Minuteman fields, and this especially because the ultimate cost of the complete system only this week was estimated by one of our foremost scientists, Dr. Herbert York, former Director, Defense Research and Engineering, to be between $50 and $100 billion.

In addition, it is well known that when the "area" defense system was the primary reason for this ABM, there was "a major uproar from such cities as Boston, Chicago, and Seattle, after they found it was planned to place ABM units close to those towns.

Not only because of the possibility of a slight error in functioning, therefore, which could mean the certain destruction of Kansas City—possibly even St. Louis—as well as the other smaller towns which lie between those two cities, but also because no one yet has analyzed accurately the tremendous increase in lethal effect from the dust which would be thrown into the atmosphere from either a successful or unsuccessful explosion on the ground, I would hope that further consideration be given to putting ABM units so close to a great city until the possibility of such lethal effects could be more carefully examined.

I might say, in passing, that we know how they felt around Boston, Chicago, and Seattle. I assume they feel the same way around the large cities in my State, and not only because of the possibility of a slight error in functioning.

One bomb only was dropped on Hiroshima, and one bomb only on Nagasaki; and the incredible destruction which resulted, as so well illustrated in a recent issue of Life magazine, would be nothing as compared to what could happen in case there was a full "nuclear exchange" of offensive and defensive nuclear explosions but a few miles away from one of our major cities.

Testing has already resulted in contemplated changes in Safeguard as originally proposed; and I am convinced that if failure at the strategic arms limitation talks makes it necessary to deploy an extensive ABM, further research and development—both at Grand Forks and Malmstrom and in advanced ABM programs—would result in an effective defense of our deterrent which would have only "slight resemblance" to the Safeguard ABM as we now know it.

In addition to limiting deployment to Malmstrom and Grand Forks at this time, and thereby prohibiting the authorization for construction of an entire system which many of us do not believe is the right design for the job, this Hart-Cooper amendment will also result in a saving of $322.2 million. In view of recent chiding by the administration of Congress for appropriating more for certain domestic programs than was requested, it should be noted that this $322 million reduction in Defense spending alone would offset approximately 80 percent of the amount over the President's request which the Senate has recently appropriated for education.

Surely the Senate should have a role in the determination of spending priorities for the Nation; and it is just such a role which I believe the Senate can play in seeking this reasonable limitation on ABM expenditures—particularly at a time when so many vital domestic programs are forced to "limp along" or become stagnant for lack of sufficient funds.

It is my fervent hope, however, that negotiations now being conducted with respect to a Strategic Arms Limitation Agreement between the United States and the Soviet Union will eliminate any requirement for an ABM system.

These SALT negotiations are probably the most important talks ever entered into by the United States, as they can hold the key to the end of the arms race between two powerful nuclear giants. Thus, because the outcome of these talks is so vital to the future security of the world, the situation with respect to said talks is more delicate than at the time of the ABM debate last year, I believe it important the Senate weigh carefully its role in the negotiations as it pertains to this vote.

The administration has argued, and vigorously, that the Safeguard ABM program as requested by the President is essential as a so-called "bargaining chip" at the SALT negotiations. It is difficult for me personally, however, to understand why this system, which, as now designed, the Soviets know they could easily overwhelm, could be such a strong bargaining chip in reaching an agreement on arms limitations.

If the Safeguard ABM is, in fact, such a bargaining chip, has not that chip already been weakened by the action of those on the Armed Services Committee who voted to deny funds for the area defense concept?

Would not the prospect of an area defense, which could develop into a thick system, and thus weaken the retaliatory capability of the Soviet Union, be more of a threat than defense of our deterrent capability?

Is not the threat of a more technologically advanced ABM system, which could result from continued R. & D., more of a bargaining chip than the threat of deployment of a system which has only a marginal period of value against continued Soviet deployment of such weaponry with the purported performance of the SS–9?

Finally, is it not actually the technological capability and expansive nuclear arsenal on both sides which brought the United States and the Soviet Union to the negotiating table in effort to limit what they both now realize is not only an expensive arms race, but also one which holds the seed for the insane destruction of mankind.

In my opinion, therefore, the ABM bargaining chip theory has little validity so far as a threat to the Soviet Union is concerned; however, at this juncture, it would appear to matter little what one Senator believes or for that matter even what the Soviet negotiators believe. The crucial determinant is what our own negotiators believe and in turn what the latter think the Soviets believe.

In other words, if the U.S. negotiators believe the ABM is a bargaining chip and, in constant discussion with his negotiators, the President has emphasized it as such, then the Senate is in a difficult position indeed to deny all funds for any ABM deployment this year.

With that premise, I believe the Senator from Michigan and the Senator from Kentucky have, in the presentation of their amendment, taken a truly responsible position in striking a reasonable balance between authorization of funds only for research and development and the administration's request for authorization of nine sites leading toward a full 12-site deployment; therefore I will support the Cooper-Hart amendment.

Mr. HART. Mr. President, I yield to the Senator from Vermont (Mr. AIKEN) such time as he may require.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I do not feel that it is necessary to approve another large expansion of the ABM for this year.

Work on the two sites already authorized will continue, and research and development work will go on.

I am certain that approval of the Cooper-Hart amendment will not have an adverse affect on the SALT talks now being held between the United States and Russia at Vienna.

However, I would not want my vote to be misinterpreted by any other nation.

I will support any effective means to protect the security of the United States, including deterrent and retaliatory weapons to the extent necessary, but expansion of ABM installations at this time does not seem advisable.

The world is sick of war and the constant threats of war.

That is why I am very hopeful that some kind of agreement can be reached at the SALT talks with Russia.

The United States should be prepared to meet any other country halfway in any serious attempt to prevent future war.

But if Russia will not agree to a limitation of nuclear weapons and wants to engage in an arms race which impoverishes both countries, then I will do whatever is necessary to insure the survival of our own people.

Let there be no mistake about that.

Should the SALT talks fail, the United States will take no chances on survival.

Therefore, I urge the Senate to adopt the Cooper-Hart amendment, knowing full well that this is not a sign of internal weakness, but a symbol of strength and a sign of confidence in the success of the SALT talks.

PRIVILEGE OF THE FLOOR

Mr. SYMINGTON. Mr. President, I ask unanimous consent that a member of my staff be granted the privilege of the floor during the debate on the pending bill.

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

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BAKER. Mr. President, I thank the Senator from Mississippi for yielding to me so that I might address these remarks to the Senate and particularly to the remarks of the Senator from Missouri.

I think that the Senator from Missouri made some points that might bear elaboration from the standpoint of the perspective that confronts the Senate.

It ought to be clearly understood—and I believe we do understand—that the choice of alternatives are not between the good and the bad, or between war and peace, but rather between the best way in which to preserve a basic stability such as we can find in a nuclear age and the viability, independence, and sovereignty of the United States as a great nation.

Mr. President, we are all concerned with this same fundamental question. The Senator from Missouri and the Senator from Tennessee are equally concerned about it. I believe that is the real basis for the debate in the U.S. Senate at this time.

The question is how to accomplish this. As with other important, prolonged, and complex subjects, we often lose sight of the fact that we are really talking about the technique rather than the objective.

The question is how do we preserve that tenuous stability, that illusive peace that we have been able to gain for America since the advent of the nuclear age and since we first gained the ability to incinerate ourselves.

There are many—including some of those who oppose the ABM, I believe—who continue to believe that the policy of defense of the United States ought to be based on the offensive hostage theory. I mean this in no way to be derogatory. But they are in effect extending the doctrine of the ICBM mentality—that is that the United States can preserve peace, maintain its own independence and viability only by building bigger and a greater number of thermonuclear tipped ICBM's and pointing them at Moscow or Peking or some place else and, in effect, holding 100 million Russian citizens hostage to the American nuclear capability. At the same time Russia holds about 100 million Americans hostage to their nuclear capability.

This is an era of mutual terror. Frankly, I am tired of being a nuclear hostage.

I have an idea that my counterpart, whoever he may be, in Russia—if I have one—is tired of being hostage, too.

I have an idea that in this day and age when we are blessed—or cursed, depending on the viewpoint we take— by the advances of science and technology, mankind demands that we find something better than a foreign policy dominated by a hostage mentality which is just as barbaric and as outrageous as the hostage mentality that prevailed in the middle centuries after the time of Christ.

If we have the courage to discard the ICBM mentality and the idea of building bigger and more accurate weapons and pointing them at Moscow then we can find something new and better. That is the ABM—and thus the choice between the old and the new.

I believe that the courage and the morality of our great Nation, the United States of America, dictates nothing else than that we proceed on a foreign policy of something other than our ability to incinerate the Russians or the Chinese—and later, the French, the Colombians, the Africans, the Indians, or the Israelis.

I believe that the time has come when we owe an obligation to ourselves and to mankind to cast aside the theory that we are better because the ability of the United States is greater and the United States can burn up another nation quicker than it can burn us up.

That is exactly what we have been doing since World War II. That is exactly what the Russians have been doing. The Chinese will be doing it shortly.

I am tired of sitting around and wondering whether my children and my grandchildren yet unborn will have a chance to eke out an existence under this sort of philosophy.

We ought to turn to something else. And there is something else. The ABM; an active defense system instead of hostile retaliation.

Talk about a bargaining chip, the Senator from Missouri indicates that it was not a bargaining chip—the ABM. I do not know. However, I am afraid it is. I hope it is not.

We ought to try to make it possible for the survival of nations to depend on defense instead of offensive retaliatory capability.

Visualize the principle of the military might of Russia and the United States being based upon a defensive complex. The ABM system as presently conceived and designed—or any that I have ever heard of—does not have the ability to enter or injure the Russian airspace or a single Russian city.

It has a range that is measured in hundreds of miles and not thousands of miles.

It is technologically impossible for the ABM system to constitute a threat to the Russian nation or its people.

I do not care how many ABM's the Russians build or how effective they are. I do not care how many ABM's we build or how effective they are. If we are both dedicated to peace and not concerned with the invasion of the other man's air space or his effort to survive as a sovereign nation, then it seems to me that we can verify that concern for peace very adequately and very genuinely by saying, "Friends, we will step away from this posture of offensive mentality or threat and take up instead the strategic defense of our country."

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

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 additional minutes.

Mr. BAKER. Mr. President, that is what the ABM is all about. It may not work, but who knows how it will work?

The Senator from Missouri and I do not know. No one is really sure now either the ABM system or the ICBM would work after the first strike because the ionization of the atmosphere may be such that the guidance system or even the structural integrity of the nuclear device itself would be rendered impotent or ineffective.

Bear in mind, too, that the Senator from Missouri pointed out that the danger of a ground explosion on the ABM site is an argument against it. I wonder about the effect of a ground explosion of an incoming ICBM on St. Louis or Kansas City. I wonder about the effect of that nuclear explosion.

It is a question of whether we have the guts and the courage to lead the way from an offensive ICBM mentality into a brand new era.

Mr. President, the first time the Russian nation and its government offered to talk about disarmament was 3 days after the Senate authorized the first Sentinel system. The ABM has been the only matter the SALT talks have been genuinely concerned about.

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

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 1 additional minute.

Mr. BAKER. Mr. President, I believe these matters are not coincidental. They verify the fact that the whole world is looking toward America and other great powers to find something better than a mutual hostage theory.

Building more Poseidons or Minuteman missiles because they are cheaper and pointing them at Moscow is another way to expand the hostage theory. The only way to stop the arms spiral is to develop defensive weaponry. We can do it and we should hope the world will, too.

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. HARRIS. Mr. President, within these 24 hours, we are seeing three events which, I believe, describe very well the priorities of this administration.

Yesterday, President Nixon vetoed a housing bill and an education bill. He said the bills were too expensive and they would promote inflation.

Yesterday, too, the House Ways and Means Committee reported out a foreign trade bill. Included in the bill was the President's own DISC proposal, a gigantic program of tax relief for large corporations. If this proposal ever got into full operation it would turn back more than $550 million a year to 125 large corporations.

Finally, today, we have the Senate vote on the ABM. This is a weapon system which many careful observers doubt will work at all. Yet, we are being asked to spend billions of dollars for its construction.

Let us understand this.

The President says we can afford billions for a weapon system which may not work.

The President says we can afford to give 125 large corporations a $550 million tax break.

But the President says we cannot afford to spend an extra $1 billion for housing and education.

What possible priorities can the President have in mind?

The President says we must hold down spending to fight inflation.

Last week the President's Council of Economic Advisers issued its first inflation alert. Can anyone remember what it said? I doubt it. It was issued in such a soft voice that it was hardly heard.

On Friday, the Labor Department announced that national unemployment was up 5 percent. It must now be clear to everybody that if we are still suffering from inflation, it is not the inflation of excess demand.

The President should lay down wage and price guidelines. And he should point the spotlight of public attention on those who transgress them. Then we could more effectively deal with the problems of high interest rates and high unemployment which are affecting so many of our citizens.

But such a vigorous policy may be too much to hope for from this administration.

The President will not risk his own prestige to set down guidelines to halt inflation.

The President will not move against tax favoritism to large corporations to halt inflation.

The President will not reconsider excessive spending on ABM to halt inflation.

The only way the President sees to stop inflation is to cut money for housing and hospitals and schools.

In the President's fight against inflation, the workingman is the foot soldier. The rich man hardly knows a war is going on.

Mr. President, I speak today on behalf of the pending amendment to limit deployment of the Safeguard ABM to only those two sites authorized last year, after previously supporting the Hughes amendment to limit expenditures to research and development only.

I have long expressed my doubts as to the value of an ABM. I am convinced that it would be a tragic mistake if we fail this year to halt the forward momentum of the Safeguard anti-ballistic-missile system—a system whose purpose, need and workability have yet to be demonstrated.

Last year, Secretary of Defense Melvin Laird told the American people:

> So to those who are concerned about whether the Safeguard system will work, I would say let us deploy phase I and find out. Only in this way can we be sure to uncover all of the operating problems that are bound to arise when a major weapon system is first deployed. . . .

Yet, before construction had actually begun on either of the two prototype Safeguard bases, the Secretary of Defense requested an additional six sites—this well before any resolution of the technical difficulties plaguing the Safeguard system.

Let us realize that these technical problems are immense. For example, the Spartan missiles at each Minuteman site are controlled by a single, large, highly vulnerable, radar—the MSR. Only one of the hundreds of incoming warheads has to penetrate the antimissile defense in order to destroy the MSR and incapacitate the entire Safeguard system. Whereas, the Soviet Union presently cannot destroy hardened Minuteman silos with their SS–11, that very same SS–11 is fully capable of destroying the ABM radar.

Additionally, reasonable doubts exist as to the workability of Safeguard's complex computer apparatus and as to Safeguard's ability to function in the face of the degrading effect of nuclear bursts. So many objections have been raised that I believe prudence dictates that we not consider authorization of further deployment until current technical problems are resolved.

During the past few years we have spent many billions of dollars procuring weapon systems which were not first properly tested. Confronted by pressing domestic needs, we cannot afford such a policy in this instance.

My fellow Oklahomans remember well the installations constructed in the southwest section of our State for the Atlas missile. Barely completed and dedicated, they were abandoned. They are now for the most part empty—waiting for the ingenuity of man to devise other uses for these multimillion-dollar holes in the ground.

Recognizing this, the Fitzhugh committee report released last week recommended a "fly before you buy" policy. I think most Americans would agree with that policy, and I see no reason to exempt Safeguard from that standard.

Yet, even if the ABM is in the future proven to be technically sound, we still must ask whether or not deployment will augment our national security. Too often, we have invested large sums of money in military armaments which have added not one iota to the defense and security of our country. We must determine whether or not Safeguard is the most effective, efficient, and prudent means of defending Minuteman. I think it is not.

Testimony given before the Armed Services and Foreign Relations Committees indicates that Safeguard could be overwhelmed by penetration devices such as decoys, chaff, balloons, or even MIRV's which the Soviet Union now possesses and which the Chinese Communists will eventually develop. As Prof. W. K. H. Panofsky stated on April 13, 1970:

> Even if Safeguard functions perfectly it offers significant protection only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off Safeguard is not needed.

The administration's own witnesses noted the likelihood that the Safeguard system would be ineffectual against increased Soviet threats. Chief of research and development for the Pentagon, Lt. Gen. A. W. Betts said:

> The reason that we have a considerable increase this year (in research funds) is that a decision has been made that we should protect our options for the future possibility that the Soviet threat to Minuteman will continue to advance beyond that which could be handled by the Safeguard system.

Dr. Panofsky later added:

> If one combines this fact (the narrow protection offered by Safeguard) with the likelihood of catastrophic failure of the single radar and computer controlling the system, and the fact that a less failure prone and more effective system to defend Minuteman can be produced in the same time scale for less money, Safeguard looks like a very poor use of the shrinking defense dollar indeed.

I feel that there are more effective, less costly, more prudent means of defending our deterrent. These options include:

Increased emphasis on the power of our seaborne retaliatory capability;

Increased hardening of Minuteman sites;

Making the Minuteman mobile; and

Limitation of potential threats by SALT agreement.

More significant than either technical considerations or the cost effectiveness of Safeguard as an alternative system is the incalculable damage which results from the vicious arms race spurred by the ABM and engaged in by the United States and the Soviet Union.

American survival in the nuclear age is predicated on the theory of mutual deterrence. Simply stated, mutual deterrence requires that each country have the capability to inflict unacceptable damage on the other even after having been subjected to attack. So long as the Russians know that America has the ability to absorb an attack and still destroy Soviet society, the Soviet Union will be deterred from attacking.

But, if either country can withstand or destroy the retaliatory power of the other, then that country is not deterred from launching a first strike. Deterrence is no longer mutual.

When the Russians first deployed the ABM around Moscow, the United States feared that they might develop the capability to withstand our retaliatory force. We built MIRV's capable of penetrating their ABM. The Russians then feared that the United States might achieve the capablity to destroy the Soviet Union's retaliatory force; the Russians increased their offensive force, particularly the SS–9 and SS–11 missiles. We then began to construct our own ABM and so forth and so forth.

The preceding is tortuous in analysis, if only because it describes the vicious circle which results in a higher overall level of armaments with neither side making a relative gain. After the expenditure of billions of dollars for nuclear overkill, neither we nor the Russians have increased our security in relation to the other. In fact, with the tremendous increase in the number and availability of nuclear weapons, both countries find themselves less secure now than they were before the ABM-inspired arms spiral.

Some assert that, since the ABM is merely defensive, it will not fuel the arms race. However, it is clear that the

administration intends a system of area defense the outcome of which could be another round of the arms race, and increasing insecurity and instability for all mankind.

Currently, we are engaged in what is probably the most delicate, but also potentially the most significant negotiations in history. It is not an exaggeration to say that the future of our civilization may be at stake in the success or failure of the strategic arms limitation talks now proceeding in Vienna.

It has been claimed that the President needs the ABM as a bargaining chip at SALT in order to negotiate from a position of strength. I disagree with that claim.

First, we already have a more than adequate bargaining position. We have the sufficiency of which President Nixon has spoken. Our retaliatory capability rests not just with our 1,200 Minuteman missiles but also with 550 SAC bombers and 41 Polaris submarines, for example. In order for the Russians effectively to neutralize our deterrent—that is, in order for them to attack us and escape their own destruction—they would have to simultaneously and totally destroy these three weapon systems—an impossibility. Our submarines are presently invulnerable, our strategic bombers are airborne now and at a moment's notice, and enough Minuteman missiles are assured of survival so as to devastate the Soviet Union.

Second, the Cooper-Hart amendment would not remove from the President the bargaining chip it is claimed he must have. All Safeguard research and development, as well as phase I deployment, would continue under this amendment. Phase I, alone, gives the United States an ABM system far stronger than the Russian's ABM. Thus, the Cooper-Hart amendment would allow the President to maintain a bargaining chip, while at the same time we in the Senate take a first important step toward ending the armaments race.

Finally, I must question the notion that we can achieve agreement only by bargaining always from a position of extra strength. Our inability to sell the Baruch plan in 1947, when we were the only nuclear power, is a case in point. Only after Russia achieved nuclear sufficiency was she willing to sign agreements such as the test ban and nuclear proliferation treaties.

Our strength is relative to Russia's weakness. It is clear that the Soviet Union—no more than the United States would—is not going to lock itself into an inferior nuclear position so long as it has the capability to achieve or exceed parity at some future date. To imagine that we can negotiate a treaty which leaves either side in a position of weakness is wishful thinking, inconsistent with our own theory of nuclear deterrence.

Mr. President, many of us have been working over the past years to reorient America's priorities. Last year, the Congress passed increased appropriations for health, education, and employment which President Nixon promptly vetoed as inflationary. This year the Congress approved increased funds for needed hospital construction, education and housing which the President also vetoed as inflationary. In both instances, the President moved under the name of inflationay constraints, to frustrate the efforts of the Congress to meet the peoples' basic needs.

At the same time, the President calls increased money for health and education inflationary, why does he not also point to the billions to be spent for the ABM system as inflationary? I believe the Congress must continue to take the steps necessary for the establishment of new priorities, and the limitation of the ABM is a big step in this direction.

Let us make this clear—the choice today is not a choice between our security and our domestic needs. The choice is between those weapons which are unproven and may even be detrimental to national security, and those which truly add to our defense.

It is equally clear that Safeguard is presently technologically unproved; that Safeguard is not the best alternative for the defense of our deterrent; that Safeguard may escalate the arms race; that Safeguard does not enhance the possibilities for a SALT agreement; and that Safeguard presents yet another obstacle to the establishment of new priorities at home. For these reasons, I urge the Senate to halt the forward momentum of the arms race by rejecting construction of additional Safeguard sites. I hope the Cooper-Hart amendment will be adopted.

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, I shall vote for the Cooper-Hart amendment.

I believe the ABM, whether it be President Johnson's Sentinel or President Nixon's Safeguard, to be a costly, unnecessary, unworkable, and possibly dangerous mistake. Because of this belief I have found it necessary to vote against the ABM under both Presidents, a Democrat and a Republican.

Last year, however, phase I of the ABM was authorized for two sites. Although it barely passed in a 50–50 tie, I am willing to let that decision stand mainly because limited deployment of phase I will allow us to see if even this relatively simple phase of the ABM will work.

Leaving aside all the strategic and political arguments against the Safeguard, there are profound doubts about whether the Safeguard can ever work. But today, a year later we know nothing more about the workability of even phase I. No equipment is in place, no parts of the system are in place, no missiles or radars have even been produced, and its operational capability is still under study. None of the research and development has improved the case for the ABM. In fact, research has exposed even greater weaknesses in the vulnerable radar and the complicated computer systems than were previously admitted.

Rather than spending more to expand an untested system, we ought to follow President Nixon's newly announced weapons procurement policy of "fly before you buy."

The $332 million this amendment would save is particularly poignant on the day after President Nixon vetoed the education and housing appropriation bills. No better case for reordering our national priorities could be made than to compare the proven need for more schools and more housing with the questionable, at best, need for still another weapons system.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Kansas (Mr. PEARSON).

The PRESIDING OFFICER. The Senator from Kansas.

Mr. PEARSON. Mr. President, I shall vote against the Cooper-Hart amendment.

When the anti-ballistic-missile system was authorized last year, I held serious doubts as to its necessity, its reliability, the effect of its deployment upon the nuclear arms race, and the cost involved. Known facts and present circumstances indicate, at least to me, that those objections were sound. And I continue to believe, Mr. President, that had production and deployment of the ABM not been authorized, our priorities would be in better order, our national security just as safe, and the arms race would be proceeding at a slower pace.

Nor can one fail to see and to understand in a most dramatic way that today we are asked to spend millions more for ABM and millions less for education and housing.

But, Mr. President, last year I also opposed the deployment of an ABM System because I felt that such a deployment would prohibit or inhibit a strategic arms limitation agreement. To date, that objection has not proved to be accurate. The fact is that the SALT talks are underway and are proceeding in a serious and hopeful manner.

Moreover, Mr. President, I have had the opportunity, as have many other Senators, of being briefed on the strategic arms limitation proposals of the United States, and whatever may be the outcome of the SALT talks, this administration has made a sincere, honest, and good faith proposal of daring proportions to achieve a nuclear arms limitation agreement and to provide for a safer and saner world.

The point is, Mr. President, that if one doubts the wisdom of the administration in proposing first the deployment and then the expansion of the ABM, one cannot question that, at this time, we have finally gathered at the conference table seeking to limit strategic arms, and there is evidence of a real hope of success. Indeed, opponents of the ABM may, I suggest, find their best hope to halt the deployment of this questionable and costly weapons system in an arms limitation agreement, rather than by congressional action.

Mr. President, considering the might, the wealth, and the industrial capacity of this Nation, and further considering the size, diversity, and power of our arms, I have trouble accepting the "bargaining chip" argument.

The Soviets know that the ABM was authorized by only a single vote last year. The men in the Kremlin understand how close is today's decision. The Russian negotiators are well aware that the Senate Armed Services Committee made substantial modifications in the President's proposal.

Yet, President Nixon, Ambassador Smith, and the other U.S. negotiators assert, in the strongest terms, that congressional approval of the committee proposal is needed and is, in fact, essential; and that such congressional action offers the greatest chance for success of the SALT talks. It is against that assertion by the highest authority that I judge the path of my responsibility to be a resolution of whatever doubts I have in their behalf and to act in support of their position.

Mr. COOPER. Mr. President, I yield 10 minutes to the Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, over the past several years it has been urged that the United States needs an antiballistic-missile system for each of the following four reasons:

First. To protect our land-based ICBM's—Minutemen—against destruction by a growing Russian missile force.

Second. To protect our strategic bombers against Russian submarine-launched missiles.

Third. To protect our cities and people against a Chinese ICBM attack.

Fourth. To protect our cities and people against an accidentally launched ballistic missile.

It now seems clear that the third and fourth objectives have been abandoned.

Widely circulated news reports have stated that the United States has offered Russia a "package" in the strategic arms limitation talks—SALT—which includes a mutual reduction of antiballistic missiles to zero, in one case, or, in another case, mutual limitation of antiballistic missiles to the defense of one city in each country, presumably Washington and Moscow.

These reports have never been challenged so far as I know. Clearly we would not be offering the U.S.S.R. a mutual abandonment of antiballistic-missile systems or a limitation of such systems to the defense of one city in each country if we needed them as a defense against a Chinese threat or an accidental launch.

It is clear that the Senate Armed Services Committee takes the same view. It would limit the deployment of Safeguard to three or four Minutemen bases. Obviously this would provide no cover for most of our population against a Chinese missile attack or an accidental launch.

Moreover, the Safeguard deployment recommended by the Armed Services Committee is irrelevant to the defense of our SAC bombers—second referred to objective. There are only a few bomber bases within the areas covered by the Safeguards whose deployment the committee recommends. Furthermore, other measures of defense of our bombers—better radar warning, aircraft dispersal, and an improved alert status—can be and are being put into effect so that an ABM defense for this purpose is not necessary.

We are left then with but a single justification for the deployment of Safeguard—the defense of our Minutemen missiles against a Soviet attack.

There are those who assert that there is no conceivable need for an ABM defense of Minuteman. That is not my position.

It is certainly conceivable that the Russians could build an intercontinental missile force directed to the virtual destruction of our land-based ICBM's and that an effective anti-ballistic-missile system could in the future be a useful defense against such an attack.

But all the evidence I have been able to gather over several years has convinced me that Safeguard is not an effective system and should not be deployed in its present form.

Out of the welter of rhetoric, opinion and assertion, I believe that two truths have emerged:

First. That the protection which Safeguard would offer Minuteman is limited at best to a very narrow band of threats and that if the Soviet missile buildup returned to its level of some time ago, Safeguard would be obsolete before it could be deployed.

Second. That the cost of Safeguard is all out of proportion to any benefits it might provide.

The weight of scientific opinion on the ineffectiveness of Safeguard as a defense for Minuteman is so overwhelming it has become difficult to see how anyone can justify its deployment in its present form. These are not men who oppose the defense of Minuteman. They believe a better defense is required and can be provided, more cheaply and in time.

Merely as illustrative of the virtually unanimous opposition in the scientific community to the deployment of Safeguard in its present form, I quote the following statement:

> The protection offered by Safeguard for the Minuteman force is negligible. Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed. For Safeguard to have any significant effectiveness at all in protection of Minuteman, the Soviets would have to 'tailor' their threat to correspond to it.
>
> Jerome B. Wiesner, Presidential Science Adviser to Presidents Kennedy and Johnson.
>
> Wolfgang K. H. Panofsky, Director, Stanford Linear Accelerator.
>
> Marvin L. Goldberger, Former Chairman, Jason Division of IDA, Member, O'Neill panel on Safeguard.
>
> Herbert F. York, Director of Defense Research and Engineering for President Eisenhower.
>
> Herbert Scoville, Jr., Former Deputy Director for Research, CIA, and Former Assistant Director for Science and Technology, Arms Control and Disarmament Agency.

Even from our own Military Establishment comes highly significant testimony.

Secretary of Defense Laird at the hearings before the Senate Armed Services Committee on February 20 of this year said:

> To be perfectly candid, Mr. Chairman, it must be recognized that the threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle. That is one reason we have decided to pursue several courses which should lead to less expensive options for the solution to this problem than expanding Safeguard to meet the highest threat level. We have further decided to continue deployment of Safeguard because the additional cost needed to defend a portion of Minuteman is small if the full area defense is bought.

In other words, the cost of Safeguard to defend a portion of Minuteman is not justified unless it is designed to serve the other objectives; that is, Chinese defense and accidental launch, which have already been abandoned.

General Betts, Army Chief of Research and Development, testified before the House Appropriations Committee on April 23 of this year:

> We postulate that if the Soviet chooses to put smaller reentry vehicles on its boosters, he can put more—and that means big numbers—and in the process of making them smaller, he also makes them so they come into the atmosphere much faster and with a much smaller radar image. When you get to that kind of threat, then the Safeguard is not the way to defend.

Assistant Secretary of the Army R. C. Johnson stated at the same hearings:

> It (a defense specifically designed to protect the Minuteman) would be less expensive than Safeguard to defend the Minuteman.

Further, the Army's testimony before the House Appropriations Committee indicates that to build an ABM specifically designed for defense of Minuteman would not involve the delays that have been claimed. Dr. Gilstein, Army Director of Advanced Ballistic Missile Defense, testified:

> It (a defense specifically designed to protect the Minuteman) is in operating condition in various facilities. The data processors exist. The software for the processors is being written. The processes are starting to be demonstrated. The technology for much of the radars, the phased array antennas, the crossfield antenna tubes, modulators, and so on, also exist as components. They exist in full scale right now and have been demonstrated. An integrated radar has not been made.

The matter was summed up by Prof. Sidney Drell, deputy director of the Stanford University Linear Accelerator Center, before the Subcommittee on Arms Control of the Senate Foreign Relations Committee in June of this year:

> *All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified* (italics in original).

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

Mr. CASE. I yield.

Mr. FULBRIGHT. It is my understanding that the present justification is based not on the substantive capacity of the system but simply because it is alleged that Mr. Sevard Smith and others have said that it would be significant in persuading the Russians to make an agreement at Vienna.

We have searched the records, certainly in both Houses, and there is no evidence I can find that Mr. Smith has made any such statement that would justify us in believing the Russians will be influenced in any substantial way by our building more ABM's.

Mr. CASE. I thank the chairman. I would add only that I have not heard such a statement made to me, and therefore, while I cannot say it has not been said, I do not know of any evidence of it, myself.

Mr. COOPER. Mr. President, will the Senator yield on that point?

Mr. CASE. I yield.

Mr. COOPER. I think the Senator has made a very effective point. In the last 2 or 3 days it has been rumored that the chief negotiator of the United States has made some statements about the ABM as a bargaining chip. If he has made such a statement, I think, in candor, someone should come to the Congress and tell us in this Chamber today, and not let a message be passed around by rumor, leaving impressions which may be true or untrue.

Mr. FULBRIGHT. That was the point I made.

Mr. CASE. Will the Senator from Kentucky yield me 2 more minutes to continue this colloquy, in addition to the time already yielded?

Mr. COOPER. Yes.

Mr. FULBRIGHT. This is the point I was seeking to raise. It is just within the last few days that it is rumored that so-and-so has been informed of the fact that Gerard Smith, our chief negotiator, said this will give much greater leverage.

I had the staff of the Committee on Foreign Relations look every conceivable place where any such testimony has been given before the Armed Services Committee or the Committee on Foreign Relations of either House. They have not been able to find anything that could reasonably be interpreted to mean that. This morning there was an item in the paper asserting that he testified thus. But we can find no such testimony.

Of course, coming the last day before the vote, as in so many elections, the allegations made the last day are supposed to influence a vote or two, and then we find, after the election is over, that there is nothing to it. I think that is the case here.

Mr. CASE. Mr. President, I agree with both Senators in the positions they have taken. I should like to use my remaining time to develop that point. It has been asserted in some quarters that this further deployment is important to the success of SALT. Mr. President, if that were so, we would take this very seriously, because the very Senators who have traditionally opposed ABM are those who have traditionally supported arms limitation negotiations. This was our deep concern last year, when the question came up in a somewhat different form, as to whether deployment of the ABM might prevent the beginning of our SALT talks and their successfully getting underway.

Mr. President, I am absolutely convinced that there is nothing whatever to the argument that the amendment offered by the Senator from Kentucky and the Senator from Michigan would in any way adversely affect the outcome of the SALT talks. I am convinced that that is not so.

There are some who, though they concede all the weaknesses and wastefulness which have been charged against Safeguard, still argue that its deployment should proceed because of its effect on SALT.

They claim that Russia has shown more interest in eliminating or limiting the antiballistic-missile system than she has in any other area of possible arms control. From this it is argued that if we voluntarily limit or delay our deployment of Safeguard we shall be giving Russia something she wants without exacting anything in return and we will not be getting as good a deal at SALT as we otherwise might.

I do not lightly dismiss this argument. If the Cooper-Hart amendment or any other with similar purpose would in any significant way diminish the chances for successful arms limitation at Vienna or Helsinki, I would certainly oppose it. So, I am sure, would every other Member of the Senate.

Having considered the matter as carefully as I can, I am convinced that none of the amendments which have been proposed would in any way endanger SALT. Nor do I believe that the amendment already accepted by the Armed Services Committee of the Senate limiting Safeguard deployment to the defense of Minuteman sites would have this effect.

Let us assume that Russia would like to prevent us from getting an effective antiballistic-missile system. How in the world can it be claimed that we are giving her what she wants in this regard by failing to deploy an ineffective, highly costly system such as Safeguard?

Those of us who oppose deployment of Safeguard in its present form all support continued research and development in the effort to find an antiballistic-missile system which will work and we support the authorization and appropriation of funds for this purpose.

How it can be seriously claimed that we are giving Russia anything when we decide not to deploy a system that serves no purpose but to waste great chunks of the taxpayers' money?

Moreover, the history of arms limitation is entirely against the proposition that it is necessary to deploy a weapons system in order to obtain an agreement for its limitation.

In a brilliant and persuasive paper on this point Dr. Adrian S. Fisher, dean of Georgetown University Law School and until recently Deputy Director of U.S. Arms Control and Disarmament Agency, has pointed out that things have worked just the opposite way.

I ask unanimous consent that, at the conclusion of my remarks, if it has not already been done so by another of my colleagues, Dr. Fisher's paper be printed in the RECORD.

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

(See exhibit 1.)

Mr. CASE. When President Eisenhower negotiated the agreement to keep the Antarctic free of weapons of mass destruction he did not first introduce or even threaten to introduce such weapons into the Antarctic waste.

When President Kennedy negotiated the Nuclear Test Ban Treaty he had preceded this discussion by a voluntary cessation of atmospheric tests.

President Johnson succeeded in negotiating the Nuclear Nonproliferation Treaty and was not hindered in doing so but rather helped by the Pastore resolution (S. Res. 179), 89th Congress, with which we are all so familiar, and which we passed by such an overwhelming vote in this body. This resolution made it clear in the light of its legislative history that the United States had no intention of transferring nuclear weapons to any country.

On the other hand, in the world's most notable effort to "negotiate from strength," the United States failed completely. We failed to gain acceptance of the Baruch plan at a time when we had a monopoly on nuclear weapons for over a year and were to maintain that monopoly for 3 years more. The Russian reaction was not to negotiate on the Baruch plan. It was to press on with the development of their own nuclear weapons.

And the same reaction by the United States occurred when Russia launched Sputnik and Chairman Khrushchev tried negotiation from strength. Our reaction was to engage in a buildup of Minutemen ICBM's, more than enough to overcome any real or imagined missile gap.

And so it seems clear to me that the argument that we must deploy Safeguard or endanger the success of SALT fails utterly to withstand scrutiny. With it falls the last shred of justification for Safeguard's deployment. I urge the Senate to oppose it.

EXHIBIT 1

THE FALLACY OF BARGAINING FROM STRENGTH

(By Adrian Fisher)

Defeat of Phase II of the Safeguard ABM system (and the recision or escrowing of the funds already appropriated for Phase I) will serve our national interest by keeping open an option to negotiate a comprehensive agreement in the SALT talks now being conducted in Vienna. It will preserve this option because of the self-evident truth that it is more feasible to negotiate an agreement to *prevent* a dangerous build-up of nuclear armaments than it is to try to negotiate an agreement to dismantle those nuclear weapons systems once they have been manufactured and deployed.

This is the principle on which President Eisenhower negotiated the agreement to keep the Antarctic free of weapons of mass destruction. This is the principle on which President Kennedy negotiated the Nuclear Test Ban Treaty. This is the principle on which President Johnson negotiated the Treaty on the Nonproliferation of Nuclear Weapons. This is the principle on which President Nixon is now working to negotiate a treaty to prevent the emplacement of such weapons on the seabed. It is a principle which should be followed—not abandoned—in the most important Strategic Arms Limitation Talks in Vienna.

Adherence to this principle by the defeat of Phase II of the Safeguard ABM System (and the recision or escrowing of the funds for Phase I of that system) will make it clear that the United States really is interested in negotiating an agreement which limits and reduces offensive and defensive strategic nuclear systems. It will avoid painting the Soviets into a corner where they will find it necessary to match our decision to deploy an increased ABM system with an increased ABM system of their own. It will avoid putting the U.S. in a position in which we feel we have to react to this increased Soviet ABM with possible Phases III, IV and V of our own Safeguard ABM, together with a substantial increase in offensive nuclear systems, including the dangerous Hydra-headed MIRVs. It will avoid putting the world in a situation in which the U.S. and the U.S.S.R., in the name of national security, will spend hundreds of billions of dol-

lars—money which we could both use elsewhere—only to find that the security of both of our countries—and that of the world—has not been increased but has been diminished.

I am aware that the point of view has been expressed that it is necessary to go ahead with the deployment of the ABM and MIRV systems in order to make it possible for us to negotiate an agreement to restrict the deployment of these systems at the SALT negotiations in Vienna. In fact the Washington Post edition of Friday, July 24, tells us that Dr. Kissinger is expressing the opinion that continued Soviet deployment of their large SS–9—which he sees as designed as a first-strike weapon against the U.S. Minuteman force—makes the authorization and continued deployment of Phase II of the Safeguard ABM system essential if we are to have any chance of success in the SALT talks at all.

This observation is truly frightening. In the first place it indicates that what the Administration has in mind in the ABM field is not Safeguard Phase I supplemented by Phase II (as modified by the Senate Armed Services Committee) but something much, much larger and much, much more expensive.

No one really believes, for example, that the Soviet SS–9 can be developed into an effective counter-force system against our Minuteman forces unless it is equipped with MIRVs. Therefore Dr. Kissinger's statement that the SS–9 is being developed as a counter-force against our Minutemen makes sense only if he believes that the SS–9 will be equipped with MIRVs. But the statement of Secretary Laird before the Senate Armed Services and Appropriations Committees made this February 20th, makes it clear that if the Soviet SS–9s are equipped with MIRVs, this would be "a threat which is much too large to be handled by the level of defense envisaged by the Safeguard system without substantial improvement or modification." (p. 48)

In the second place—and this may be even more important—this observation about the necessity of authorizing and deploying Phase II of the Safeguard system as a help to the SALT talks proceeds on the outmoded assumption that the way to obtain an agreement for the control and reduction of nuclear armaments is to deploy these armaments in an ever-increasing number. This assumption is that only if we prove to the Soviets that we are determined to achieve an overwhelming nuclear superiority can we persuade them to negotiate seriously at Vienna.

This assumption is just plain wrong—no matter what Dr. Kissinger or anyone else says. That it is wrong is shown not only by common sense but by experience. Two times both we and the Soviets have proceeded on this outmoded assumption that the only way to achieve agreements on arms control and disarmament was to achieve overwhelming strength. Both times we failed. Three times we proceeded on the opposite assumption—that the way to achieve agreements on arms control and disarmament was to show restraint with respect to the arms we sought to control. All three times we succeeded.

The first time the United States attempted to negotiate an agreement on the basis of overwhelming strength was during the negotiations on the Baruch plan beginning in June 1946. If there was ever a time when the doctrine of negotiating from superior strength should have worked—if it had any validity at all—this was certainly it. The United States had had a monopoly on nuclear weapons for over a year. We were to maintain it for over three more years. Under the arguments now put forth to sustain the ABM authorization, this should have put great pressure on the Soviets to accept out proposal. As that astute reporter Chalmers Roberts pointed out in his recent book "The Nuclear Years," it had exactly the opposite effect. The Soviets were persuaded that we intended to perpetuate this monopoly and relegate the Soviets to the status of a second-class power. Their reaction was not to negotiate on the Baruch plan. It was to press on with their plans for developing their own nuclear weapons.

The second time that the principle of negotiation from overwhelming strength was tried—and failed—the shoe was on the other foot. In October of 1957 the U.S.S.R., after having announced that it had attained an ICBM capability, gave this announcement credibility by launching Sputnik. Chairman Khrushchev seized the opportunity thus presented by engaging in rocket-rattling nuclear diplomacy. Soviet advocates of the theory of negotiating from overwhelming strength doubtless argued that these boasts and threats would put pressure on the U.S. to negotiate a restriction on strategic nuclear delivery systems. We all know that our reaction was quite different. Our reaction was to engage in a build-up of Minuteman ICBMs that was far greater than that necessary to overcome any real or imagined missile gap.

Let us now examine the instances in which arms control and disarmanent negotiations have been successful. In none of these instances were the successful negotiations preceded by an announcement that we were determined to proceed on a massive program of development or deployment of the very arms we were seeking to limit. In each of these instances the successful negotiations were preceded by an attitude of restraint with respect to the arms we sought to control.

The first instance is the Antarctic Treaty—a great accomplishment of President Eisenhower. This treaty provided for maintaining the Antarctic as a zone free from nuclear weapons. This treaty was the result of hard, serious negotiations. At no time did President Eisenhower feel that it was necessary to embark on a program of deploying nuclear weapons in the Antarctic as a means of putting pressure on the Soviets to negotiate seriously on this subject.

The second instance is the Test Ban Treaty—a great accomplishment of President John F. Kennedy. According to the arguments now advanced by the supporters of the ABM authorization, the successful negotiation of this treaty would have to have been preceded by a statement by President Kennedy that the U.S. proposed to engage in a massive series of atmospheric nuclear tests. This, according to the arguments we have been hearing, is the only way President Kennedy could have persuaded the Soviets to negotiate seriously about the cessation of atmospheric tests. What President Kennedy did was just the opposite. In his magnificent American University speech on June 10, 1963, after announcing agreement on the beginning of high level discussions in Moscow on a nuclear test ban treaty, he made the following statement:

"Second: To make clear our good faith and solemn conviction on this matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other States do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one."

His hope was fulfilled. Within less than two months the U.S., the U.K., and the U.S.S.R. had agreed on a nuclear test ban treaty. Will any of those Senators who are now supporting the authorization of the ABM care to defend the proposition that the negotiation of the test ban treaty would have been his swift, and this positive, had President Kennedy announced the intention of the U.S. to embark on a massive series of atmospheric nuclear tests?

The third instance is the Treaty on the Nonproliferation of Nuclear Weapons—a great accomplishment of President Lyndon B. Johnson. This instance should be most persuasive to the Senate because of the direct relationship between the negotiation of this treaty and the passage of the Pastore Resolution, S. Res. 179, 89th Congress. Under this Treaty the nuclear-weapon states agree not to transfer nuclear weapons to others and the non-nuclear weapon states agree not to acquire such weapons.

The negotiation of this Treaty took a long time—from 1964 to 1968. The greatest part of the delay was caused by the concern of the Soviet Union that the United States—under the guise of the Multilateral Nuclear Force or under some other guise—intended to transfer nuclear weapons to the Federal Republic of Germany. Any such transfer would have been prohibited by the U.S. Atomic Energy Act. The Soviets continued to express the concern that the U.S. intended to make such a transfer by amending its own law which, after all, was within its power to do. The Pastore Resolution commended the President's efforts to negotiate a treaty to prevent the spread of nuclear weapons. The passage of this resolution, particularly in the light of its legislative history, made it clear that the U.S. had no intention of transferring nuclear weapons to the Federal Republic of Germany or to any other country. The way was then cleared to the negotiation of the Nonproliferation Treaty.

Under the arguments set forth today, the Pastore Resolution should never have been passed. Instead, according to those who now urge approval of Safeguard Phase II as an aid to negotiating an agreement at Vienna, the Senate should have passed an amendment to the Atomic Energy Act authorizing the transfer of nuclear weapons to other states. The Senate adopted the other course. It approved the Pastore Resolution without a dissenting vote.

I am informed that only one Senator—who did not vote—did not indicate that he favored this wise resolution. I would ask those Senators who supported the Pastore resolution to consider the fact that, under the arguments now put forth to justify the authorization of Phase II of the Safeguard ABM in order to help the SALT talks, the unanimous vote in favor of the Pastore Resolution should have made the negotiation of a Nonproliferation Treaty impossible. Exactly the opposite was the case. The Pastore Resolution made the Nonproliferation Treaty possible.

I hope we will soon have a fourth—and then a fifth—example to prove that arms control negotiations based on restraint work better than those based on the theory that overwhelming superiority is necessary. The Administration is now conducting the fourth such negotiation. Under President Nixon's authority our representatives at Geneva are now engaged in negotiating a treaty to prevent the emplacement on the seabed of nuclear weapons and other weapons of mass destruction. They are very close to success. They have achieved this position without it having been thought necessary to obtain support for the negotiations by obtaining Congressional action authorizing the beginning of the emplacement of nuclear weapons on the seabed.

Why is the Administration taking a different view with respect to the SALT talks—the fifth example where it could be proved that arms control negotiations based on restraint work better than those based on the theory of overwhelming superiority? Why are they insisting that the best way to help the negotiation of restrictions on offensive and defensive strategic nuclear delivery systems is to rush ahead with the deployment of the very systems that it is sought to restrict?

I do not know the answer to this question but I hope every member of the Senate will search his own heart and mind for the answer

that will be in the best interest of our national security and the cause of peace. I would urge only one thing. Do not let the fact that a White House representative has said that approval of Safeguard Phase II is necessary for the success of the SALT talks keep you from making up your own mind on this issue.

Abraham Lincoln once dealt with a similar problem when he put the question: "If we call a dog's tail a leg, how many legs will the dog have?" His answer: "Four—calling a tail a leg does not make it one." The Senate should follow this example. The fact that an Administration representative calls out that we must approve and deploy ABMs and MIRVs in order to limit and restrict them does not make it so. The Senate should make this clear by its vote.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

Mr. FULBRIGHT. Mr. President, could I have half a minute to respond?

Mr. CASE. If I have any time remaining, I am happy to yield it.

Mr. FULBRIGHT. I only wish to compliment the Senator. He has brought together conclusive arguments and statements in rebuttal to this last-minute plea about the SALT talks. Last year none of this was said. It was altogether on a different basis. This is a new justification, and I think the Senator from New Jersey has done a magnificent job in putting it in proper perspective.

Mr. STENNIS. Mr. President, I yield myself 2 minutes, after which I propose to yield 10 minutes to the Senator from West Virginia.

Mr. President, a year ago, when we were debating at this point, the argument by those in favor of the amendment was that we would kill the SALT talks if we passed the ABM proposal, that it would put the whole thing on the shelf, and we could have lost a golden opportunity.

Now, today, those talks are in progress. There has been no hesitation by the Soviets, and so now the argument is that the ABM has nothing to do with the SALT talks, and Ambassador Smith has not said anything.

I think it would have been greatly out of place for Ambasador Smith to have said anything, certainly, on the record. But anyway, things everyone already knows do not have to be said. You do not have to have testimony on the obvious. This thing is inescapable from a commonsense standpoint.

Mr. FULBRIGHT. Mr. President, may I ask the Senator a question?

Mr. STENNIS. It simply comes up in our minds. Of course it would be detrimental. Of course the ABM is a part of this situation so far as the President of the United States is concerned. Of course it is one of the cards in his hand. Of course it is a major card, and in all good faith, there was speculation as to what form this amendment would finally take.

I respectfully say that I believe the amendment itself recognizes the importance of the SALT talks, and it is phrased in a way to try to make it look as though it will not matter to the President of the United States and his position one way or the other. So I think it is just commonsense we are talking about. I feel that we know it is bound to have an effect.

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

Mr. STENNIS. I yield very briefly, if I may.

Mr. FULBRIGHT. All I want to make certain of is that, on the authority of the distinguished chairman of the Armed Services Committee, Mr. Gerard Smith has not made a statement that this gives him more leverage in assuring the success of the talks.

Mr. STENNIS. Well, Mr. President, he has not made it to me, that I know of, and I would think less of him if he had.

Mr. FULBRIGHT. I would, too. I trust his good sense also.

Mr. STENNIS. The Ambassador testified before the subcommittee headed by the Senator from Washington, and I could not attend all those hearings. They were classified, anyway.

Mr. INOUYE. Mr. President, last year I spoke out against the authorization for Safeguard and joined my distinguished colleague Senator STUART SYMINGTON in the Senate Armed Services Committee in dissenting from the majority views of that committee. I wish to reiterate my belief that deployment of the Safeguard ABM system is unwise and contrary to the best interests of the United States. Therefore, I have no other alternative but to oppose the decision of the committee to authorize full deployment at Whiteman Air Force Base and advanced preparation at Warren Air Force Base.

While I would prefer that all funds for deployment be deleted, I shall support the amendment offered by Senator HART and Senator COOPER, which I believe to be eminently fair and reasonable. It provides ample opportunity for research, development, testing, and evaluation at two sites. If these activities do indeed provide a Minuteman defense and if the SALT talks break down, then no leadtime will have been lost. However, if the talks succeed and/or the Safeguard as it is presently conceived cannot be developed to perform its limited missions, then we shall have at least saved on the expenditure of badly needed and limited defense funds.

The administration has planned three missions for the Safeguard; first, blocking a Chinese nuclear attack; second, protection of the Minuteman; and third, protection against an accidental launch. In recent months, moreover, we have been informed that the ABM will also be a "bargaining chip" at the strategic arms limitation talks in Vienna. The report of the Armed Services Committee alleged that "Safeguard is essential to their successful conclusion." Even if one were to accept this argument, it can in no way justify additional deployment of another site. However, not only do I not accept it, I believe further deployment will seriously undermine any chance for a negotiated arms limitation. This is the aspect of the Safeguard deployment which I find most frustrating, and I shall return shortly to speak at greater length on it.

The Armed Services Committee wisely discarded the threat of a Chinese Communist attack as a rationale for the system. This administration claim has little justification in fact. First, the Chinese nuclear missile arsenal is small and cannot pose a massive threat to the United States in the foreseeable future. Belief in a possible Chinese attack must also be predicated on the assumption that the Chinese leadership is mad and suicidal—an assumption that cannot be sustained by our experiences—since our deterrent force would destroy Communist China as a viable society within hours. Even if we assume the Chinese military to be so reckless, nothing could stop a determined and concentrated effort by Peking. Because Safeguard is, at best, only relatively reliable and not foolproof. Any single ICBM that escapes destruction will be sufficient to insure the destruction of a city. Hence the Chinese need only target more missiles at the selected undefended cities to insure total success. The administration has been less than candid in not telling the American people that it has adopted the rationale of the discredited Sentinel system and that the defense it plans is a massive areawide defense which will cost tens of billions of dollars. Perhaps it does not believe that the American people are mature enough to accept the fact that security in a nuclear age is an ephemeral illusion. Although the Senate Armed Services Committee was wise enough to reject this ill-conceived scheme, I am disturbed by this reversion to a plan that has been discredited by virtually every independent analyst not in the employ of the Department of Defense.

Nor is the Safeguard adequate to perform its mission as a defense for Minuteman. In his fiscal year 1971 defense program and budget statement, Secretary Laird admitted that:

> The threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle.

Moreover, Lt. Gen. A. W. Betts, Army Chief of Research and Development, testified before the House Appropriations Committee on April 23, 1970, that small and more numerous warheads can overwhelm the Safeguard as it is now planned.

Where is the new threat which justifies an additional site? While the threat appears to grow, it is not substantially any different from that which could have been foreseen last year. If we accept the possibility that the Soviets will acquire the capability of destroying our entire force by the mid-1970's, the Safeguard does not offer any reliable hedge. The Soviet Union need only increase the number of warheads. Moreover, upgrading the SS–11 and giving the SS–9 MIRV capability eliminate any substantive defensive value of the Safeguard. Only a few months missile production will more than offset a fully deployed Safeguard system. Indeed, the Soviets could have the capability of overwhelming the Minuteman before the Safeguard could be deployed in the mid-1970's. Even if three or four site deployment were authorized by the Congress, only a fraction of the Minuteman force will be defended. As Dr. Wolfgang Panofsky pointed out in his testimony before the Senate Armed Services Committee:

Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed.

To believe that the Soviet Union will tailor its offensive capability to the Department of Defense's wishes would be foolhardy in the extreme.

Last year we were assured by Dr. John Foster, Director of Defense Research and Engineering, that Safeguard could handle anything the Soviets could launch at us. This year we are informed that smaller versions of the missile site radar—MSR—are necessary to supplement the highly vulnerable and expensive single MSR unit originally planned. These are subject to the same deficiencies as the large unit and could be easily rendered useless by a massive S–11 attack aimed specifically at this portion of the system. The perimeter acquisition radar—could be similarly made useless. Nuclear bursts can degrade the performance of the PAR to such an extent that its distorted information will be valueless. These technical deficiencies were described by critics in depth last year but were dismissed by the Department of Defense. The admission by the Department that this package of components must be altered is, in my opinion, a serious admission that its technical forecasting was erroneous and that new problems can easily develop.

The Department of Defense likewise has not given enough consideration to alternatives such as a cheaper specialized hard site defense. Superhardening Minuteman sites also offers a temporary expedient. Both of these can develop before an effective Safeguard system. We could also disperse the Minuteman more widely or build additional missiles. As a long-range deterrent solution, we can develop mobile forces or, better still, increase the Polaris/Poseidon fleet. Dr. Foster has conceded that the Polaris/Poseidon fleet is invulnerable in the foreseeable future and will remain so during the so-called danger period in the mid and late 1970's for which the Safeguard is designed. Together with our strategic bomber force, there will be an adequate nuclear deterrence even if the Minuteman is overwhelmed. The Polaris/Poseidon fleet is our trump card, but the ABM proponents are all too eager to ignore its effectiveness in this mad rush for the Safeguard. While an effective antisubmarine weapon may be developed, it does not follow that a porous, weak Minuteman defense answers our security needs.

The third mission—to protect against an accidental launch—likewise fails before rigorous analysis. Since an accidentally launched missile may have a full range of penetration aids, only a point-defense ABM system will be effective. I am certain the Safeguard system will successfully destroy a single accidentally launched unfriendly ICBM but if it is a full-anti-Minuteman launch with SS–9 and SS–11 missiles, Safeguard will not adequately protect our Minuteman. Such being the case, I doubt if our President or his military advisers will stand by silently and watch our ICBM's destroyed. Notwithstanding the assurance that the firing was accidental, under the circumstances of a massive firing of unfriendly ICBM's, I am certain our President will order the immediate firing of retaliatory ICBM's. This will be the beginning of the end. If it is a partial accidental launch aimed at our cities, nothing will save our population centers which will remain undefended under the Safeguard system. The possibility of an accidental attack is the deadly price of the nuclear capability both superpowers presently maintain.

Thus far, I have concentrated on the technical aspect of the Safeguard. I do not pretend to be technically capable of answering every question, but I believe that the overwhelming weight of the evidence militates against the system. I am much more concerned about the diplomatic and political implications of deployment. The ABM and MIRV form an unbroken chain of action and reaction. The original Galosh system around Moscow in the early and mid-1960's precipitated the development of the MIRV by American planners, who feared that the ABM system would block an American nuclear response to a Soviet attack. This development in turn encouraged the Soviets to construct their own MIRV. This in turn disturbed our defense planners, who then conceived of the Sentinel and then Safeguard. The result of this series of moves has left Moscow, with its estimated 64 launchers, more vulnerable than it was prior to its ABM deployment. We in turn have likewise gained nothing. Indeed the danger posed by Soviet MIRV's have made our security more precarious than at any time in our history.

The procedure we see here is one that has characterized all arms races since the late 1890's. Each new move or weapons development is interpreted as an offensive action that must be met by a countermove and superiority if possible. This upward spiral means that there can never be a firm peace or security. Each move, especially one of enormous consequence, has a destabilizing effect that feeds on itself. One proponent of the Safeguard testified before the Armed Services Committee that the "worst case" policy is purely hypothetical and that governments do not react in this manner. However, we have seen that the United States and Soviet Union have reacted in precisely this fashion when confronted with a new technological development that conceivably could make possible a first strike.

These activities bear directly on the SALT talks now being held in Vienna. The existence of a multitude of weapons and defenses enormously complicates the negotiations, for it means that an entire system must be dismantled or frozen rather than merely halting research and development. It is always more difficult to stop the momentum and to divest self-interested elements than to prevent an arms buildup. This is a self-evident principle that has not convinced Safeguard proponents. No one yet has explained why three or four sites as opposed to the two which would be authorized by the Cooper-Hart amendment will make the Soviets more eager to negotiate an arms limitation. Nor has anyone yet explained how three or four sites are essential to the success of the talks. It is apparently assumed by administration strategists that deployment is necessary to counter a first-strike SS–9 buildup. This is indeed tortured and disturbing reasoning, for it implies that the administration has no intention of stopping at phases I and II but rather only after a massive buildup costing tens of billions of dollars.

Second, the administration apparently believes that only if we bargain from a position of superiority can we convince the Soviets to agree to a limitation. Such a doctrine runs contrary to our experience that restraint is the key to serious arms negotiation. In 1946 the United States, from a position of overwhelming strength and a nuclear monopoly, was unable to convince the Soviets to agree to the Baruch plan. In 1957 with a demonstrable delivery capacity, the Soviet Union was unable to induce the United States to accept a restriction on strategic nuclear delivery systems. On three occasions when both the United States and the Soviet Union did exercise restraint, the Nonproliferation, Antarctic, and Nuclear Test Ban Treaties were the results.

In view of these historical examples, I cannot understand why the administration has chosen to pursue the theory that only overwhelming superiority in ABM systems can provide the necessary leverage to conclude an agreement. Since we have professed that the Safeguard is not a threat to the Soviets, how can it possibly be a bargaining chip? How can we possibly further negotiations by rushing ahead with deployment of the very systems we wish to restrict? The answers, I fear, are locked in the minds of those who approved the decisions to go ahead with Safeguard.

The real bargaining chip is MIRV, which is by far more dangerous and destabilizing than Safeguard. Its value lies in the fact that we are in a position to restrain our advanced development in return for Soviet concessions. Potential deployment of both the ABM and MIRV's can be just as effective as actual deployment as long as we continue research and development. Yet the administration appears intent on throwing this bargaining chip away by moving forward with deployment of Minuteman III and Poseidon.

Reports emanating from Vienna are vaguely optimistic. In spite of this fact, the administration insists that we should authorize further deployment. It has exploited the eagerness of the American people to secure a strategic arms limitation by hinting that an expansion of the ABM is necessary. History—not the baseless apprehensions of White House strategists—should be our guide. We shall do a favor for the American people if we vote for a responsible restraint on the further expansion of the ABM.

ANTI-MONTANA BALLISTICS (AMB'S)—PART III (EDUCATION)

Mr. METCALF. Mr. President, I have previously discussed in general the great burdens to be thrust upon Montana communities with the construction and deployment of Safeguard. Today, I wish to

discuss in some detail the education facilities in these communities as I know them, the costs of expanding them to accommodate several thousand additional students and the current posture of Federal programs as "potential sources of outside assistance."

The Community Impact Report on the Malmstrom area offered by the Safeguard System Command as it relates to education is a frequently fanciful, thinly researched document that cannot bear the weight of its assumptions. Like all good satire, however, it evokes reality. In the spirit that prompted it, therefore, it should be accepted as a means of focusing attention on the realities of Safeguard construction for the affected communities.

The report recommends that the communities seek assistance for their schools through Public Law 815 and Public Law 874 funds.

A simple inquiry to the Office of Education, however, reveals a variety of formidable obstacles to the obtainment of these funds. Moreover, the Senate is well aware that in accord with recent priorities, one of the most drastic reductions in our Federal budget for the last 3 years has occurred in appropriations for school construction under Public Law 815. The Office of Education informs me that applications for impact construction assistance now total $236 million. Pending Montana applications now total more than $11 million. For the third year, only $15 million has been appropriated of $80 million authorized per year.

Public Law 874 funds were already being prorated because of insufficient funds, before the President's veto. Mr. Nixon has expressed his opposition specifically to Public Law 874 assistance to "B students," children of those who either live or work on Federal property. Now the whole program is thrown into a state of confusion making assistance to the Malmstrom impact area even more unlikely.

No funds are available under section 5 of Public Law 815, which relates to the permanent impact of children whose parents both work and reside on Federal property or who reside on and work off Federal property.

Assuming the veto is overridden, the Office of Education will formulate a distribution of the appropriations among four sections of the act; they are sections 9, 10, 14 (a) and (b) and 16, which provide assistance to school districts that have temporary Federal impact in States which prohibit the use of State funds for school construction on Federal property, Indian pupil enrollment, or major disasters.

Pending in Montana's department of public instruction at this time are applications for a total of $5 million in Federal funds to assist in the construction of classrooms under authority of section 14 which provides assistance for Indian children. Another application is pending for school construction money for the children whose parents are employed at a radar installation. All applications have been pending since 30 June 1968 and the Office of Education has thus far reserved less than $700,000 for these needed facilities.

It is hardly likely that the school districts in Lodge Grass, Heart Butte, Browning, Hays, Harlem, Lame Deer, and Rocky Boy's Reservation will receive a third of the amount appropriated for the entire Nation.

The President's message on Indians declared a new policy and cited the low quality of Indian education as "one of the saddest aspects of Indian life in the United States." Calling for Indian control of schools for Indian children, the message is silent on the question of a special authorization or a special appropriation to construct schools, a seeming first necessity.

Of Senate Joint Resolution 144, approved by the Senate on May 19, authorizing construction of school facilities for Indian children, Commissioner Bruce of the Bureau of Indian Affairs told the Interior Committee:

> Having expressed my view that there is a serious need for which S.J. Res. 144 is intended to provide a source of relief, I now find myself in the uncomfortable position of not recommending that it be enacted.

Thus, the administration has declined to fund existing applications to construct classrooms for Indian children. Now standing in line behind them are the children of those who will construct and operate Safeguard. They too will be competing for money that has not been appropriated in order to build the antiballistic missile systems. The military hardware is 100-percent federally funded. But even if there were Federal funds to build schools available under Public Law 815, the most the communities could expect would be 50 percent.

Mr. President, Safeguard command acknowledged in its report that "most" of the schools in the surrounding communities "are experiencing financial difficulties which preclude the addition of significant numbers of students."

Yet the report goes on to suggest that the Town of Brady, for example, might expand its schools to accommodate 469 students beyond its present capacity and over twice the present enrollment, and estimates the cost at $196,400. The Brady school is a combined elementary and high school where students in each group alternate classroom use. School officials estimate their costs will be $244,000 for elementary and high school facilities.

The report also suggests that Cut Bank, though likely to "experience a permanent population increase" is not likely to "require corresponding expansion of permanent facilities," and says, among other things, that the capacity of Cut Bank High School is 568 with a current enrollment of 533.

Mr. President, this reminds me forcefully of the young reporter who handed his editor a fake review of a play that could not be given because the theatre burned.

Cut Bank High School, which is also a junior high, lost 13 classrooms in its gymnasium fire on the 20th of May. Its losses, after depreciation, include all of the physics equipment, $26,000 worth of band instruments and other contents with a value of $109,000 and $998,000 worth of gymnasium. This fire occurred before the Safeguard command report was put in final form but, though Safeguard was advised of the loss, it was not mentioned in the analysis of Cut Bank's facilities. Five classrooms are being rebuilt and two may be ready after the first of the year. The Bureau of Indian Affairs has agreed to lend Cut Bank some trailer homes that will be turned into classrooms. New students destined for Cut Bank better bring their own classrooms.

Predicting a possible increase in permanent population in Conrad of nearly twice, from 2,767 to 5,000, the report says that expanded facilities for additional pupils would cost $600,000. School officials in Conrad have informed the Department of Public Instruction that they will require $1,772,000 for elementary classrooms and $3,681,000 for high school classrooms.

Following, for example, are estimates of school authorities in Brady, Conrad, Shelby, and Valier of the needs that will result from the new population:

ESTIMATES THROUGH JUNE 30, 1971

	Elementary school classrooms	High school classrooms
Brady	$107,000	$137,000
Conrad	1,772,000	3,681,000
Shelby	458,543	324,800
Valier	57,500	65,000

Mr. METCALF. The communities about to be impacted in Montana are in no position to raise the revenue that will be required to expand their schools. Yesterday, I discussed financing in detail, but as it is so critical to education, it is appropriate to speak of it again here.

The Safeguard command report admits that some of the communities have "financial difficulties" that make unlikely their ability to handle the expected influx. But in a way-out flight of fancy, the report suggests:

> By financing capital expansion of school facilities through bond issues amortized in ten years at an interest rate of 6¼ per cent, the estimated annual equivalent costs would be approximately $592,400.

By statute, the interest rate on municipal bonds in Montana is fixed at 6 percent, and amortization is usually 20 years.

It may be that the legislature will raise this limit but it is a serious omission by Safeguard to ignore or gloss over Montana law.

Let us take another example.

I have already referred to Conrad, Mont. This town of just under 3,000 is located in the Pondera County School District No. 10. Safeguard's report suggests that the school district expand its facilities and local officials have estimated the cost at over $5 million. Pondera County officials have already pointed out that its new hospital, now under construction, would be inadequate to serve nearly twice its present population. To finance the hospital, the residents have bonded themselves to the full amount allowed under the Montana constitution in this category.

Just last year a bond issue for land acquisition for schools was badly defeated by the citizens of Pondera County.

Unfortunately, those in the Defense

Department suggesting such bond issues are not the ones who vote on them.

Not mentioned, either, is the fact that a number of special mill levies have recently failed in this area in Montana. Several were for the purpose of improving the operations of educational programs.

The reluctance of Montanans further to tax themselves or to borrow can best be understood in light of the fact that in 1967–68 Montana and Wyoming ranked first in the Nation in the magnitude of State and local property tax collections as a percent of personal income. It was 6.5 percent. Montana was eighth in the Nation in amount of per capita local tax collections and seventh in the amount of per capital property tax revenue of local governments.

Expansion of school operations in these communities, even if we could ignore construction costs, will place them in the position of the community surrounding Grand Forks Air Force Base in North Dakota which, earlier this year, came perilously close to school closure because Public Law 874 funds had been so drastically curtailed by White House insistence. A special appropriation bailed them out. If the administration next year prorates these impact funds at 77 percent as has been threatened, the Malmstrom area communities will simply not be able to operate their schools properly. They could lose their accreditation because of overcrowding, or if the school year is curtailed due to shortage of funds.

Thus, Mr. President, we have the final irony.

This is truly impact without aid, for the sources to which the President's military advisers blandly direct Montana communities for help have long since been dried up by virtue of the fact that military expenditures have taken priority over education expenditures.

To construct schools is inflationary; to construct Safeguard is not. The man whose priorities dictated the veto of the Health, Education, and Welfare appropriation bill as inflationary and who reserved his special opprobrium for impact aid is not only placing the citizens of the Malmstrom area on target by his location there of Safeguard, he is treble taxing them for the privilege. They are taxed at the Federal level. They will be taxed by more inflation. And they will be taxed more at the local level to expand facilities unless there is a drastic change in current policy.

It is imperative that the Congress face this issue.

It is a mockery of justice to build a complex in a community which had little to say about its selection and then require the community to pay the bill. The expanded facilities that will be required in the Malmstrom area are an integral part of the defense construction cost. Defense Department appropriations should be increased accordingly. The actual price tag of Safeguard is not just $12 billion. It is $12 billion plus a few million for capital expenditures and operations required to support the construction.

Mr. President, Senator MANSFIELD and I propose to offer an amendment to the military construction authorization bill for fiscal 1971 to authorize of such sums for such purposes.

Mr. BYRD of West Virginia. Mr. President, in a major program action, the Armed Services Committee, in reporting the pending bill, deleted the President's request for a start on a nationwide area defense and limited the Safeguard operations instead to defense of Minuteman missile sites. This was approved by a vote of 11–6 in the committee, and it is understood that the majority of committee members voting for such restriction had supported the ABM program in prior years.

This action of the committee thus approved continuation of the phase 1 sites at Malmstrom Air Force Base, Mont., and Grand Forks Air Force Base, N. Dak., full deployment at Whiteman Air Force Base, Mo., and advanced preparation at Warren Air Force Base, Wyo.

The amendment proposed by the distinguished Senator from Michigan and Kentucky (Messrs. HART and COOPER) would, on the other hand, limit the authorization in the bill to expenditures for the two original ABM sites approved in 1969—Malmstrom and Grand Forks—and would reduce the committee approved recommendations by $322 million. I shall vote against the amendment.

It is obvious to me that the basis for the committee's action in reporting this bill is that the United States cannot permit the threat posed by the continued expansion of Soviet strategic forces to develop without taking suitable countermeasures in defense—measures which will insure the provision of sufficient strategic weapons for credible retaliation and confident deterrence. Indeed, this is stated in precisely these terms, in the committee's report, No. 91–1016.

In my opinion, the issue before us is simply that we must, first, take all possible steps to prevent any nuclear exchange or war; and, second, should, by some horrible misadventure, such a war or exchange occur, then we want the United States to be in a position to limit the exchange and survive it. Thus, at the heart and soul of the question before us is the two-fold issue of credible retaliation and confident deterrence, both of which are especially needed and necessary at this particular time, not only because of the SALT talks which have been pursued so far at Helsinki and Vienna, but also because of the present tension in the Middle East and the possibility there of some sort of nuclear confrontation between our forces and those of the Soviet Union.

Let us recall that the Soviets, even should they not install additional missile launchers, already have a sufficient number that, with qualitative improvements, would pose a very serious threat to our land-based Minuteman deterrent in the mid-1970's. It is precisely to prevent that sort of development that it is so necessary to maintain the momentum of the Minuteman program. The relationship here with the SALT talks is direct and immediate: It is to assure the USSR that this Nation has a continuing, ongoing program that constitutes a major asset—or "bargaining chip," if one wishes to use the vernacular—in these talks. Surely, no one can deny that the Soviets would find their position infinitely preferable if the United States abandoned or failed to maintain the forward momentum of the Safeguard system. If we maintain this momentum it will give this Nation a major asset in reaching an agreement with the Soviets. The Vienna talks so far have indicated the truth of this proposition—that our ABM system is indeed a meaningful asset to our country in the SALT talks.

Thus, we have before us the practical problem of keeping momentum in the present Safeguard program—with all that is involved in the way of R. & D. engineers, scientists, contractors, assemblylines, and so forth—and thus indicating clearly to the Soviets that we do not intend to stop in midstream and take chances with the security of the United States.

We must guarantee the survival of our own retaliatory capacity; this is all that the present proposal intends or foresees. It is purely defensive, not offensive, in nature.

There is general agreement that the only real defense against a Soviet nuclear missile attack is our own nuclear deterrent. To assure that continued deterrent, we must have an ABM system, for, otherwise, our so-called deterrence loses credibility. The same thing goes as to our diplomatic credibility—the two are tied together—as illustrated by the SALT talks now underway. If our nuclear deterrent is insufficient, it may as well not exist at all. The Soviets are well aware of this, and one may be sure that they are watching with interest to see whether we in the Senate take steps to halt the momentum of an ongoing ABM program. If we do this, our resultant vulnerability can produce instability in the strategic balance, with attendant dangerous, even perilous consequences to our country. In a word, if our strategic deterrent is degraded, this might increase the risk of a Soviet nuclear missile attack.

The President has promised to review the ABM program continuously in light of progress in the Strategic Arms Limitation Talks. It is still some years before even the first elements of the Safeguard system will be operational. And, indeed, it will be more than a year before the bulk of the funds proposed in the present bill, if appropriated, would be expended. Thus, there will be ample time and ample opportunity to modify or dismantle the system or not spend the funds, if that be called for as a result of an arms limitation agreement.

The SALT negotiations are far more complex than any we have entered into with the Soviet Union in the past. It would be most imprudent for us to stand still, while the talks proceed, purely on the hope that an agreement will be achieved at some time in the future. Indeed, for us to hold up our strategic weapons program unilaterally would almost certainly encourage the Soviets to

believe they could gain all the advantages of arms control without the necessity of making concessions. Even a delay of one year in ABM deployment would leave the United States with critical vulnerabilities in the mid-1970's if the Soviets continue to deploy and improve their SS–9 "missile killers."

Safeguard is designed to achieve a number of U.S. strategic objectives in the absence of a SALT agreement. Until agreement is reached, we must go ahead with such essential strategic programs, just as the Soviets are doing. Cutting back Safeguard would mean the interruption of orderly and timely prosecution of the program, which includes several elements which have very long lead times. As I have indicated, it would also signal to the Soviets the prospect of their further delaying or blocking the program by protracted negotiation—while their own missile construction and testing continue apace.

The specific design of Safeguard—and particularly the defense of Minuteman—are intended to deal with the threat of continued buildup of a potential Soviet first-strike capability. In the absence of a SALT agreement, this protection would be essential to our Nation's security. A SALT agreement, if reached, would deal with the Soviet first-strike threat in a different way—by stopping construction of SS–9's and also limiting the number of other Soviet missiles such as the SS–11 which, through increased accuracy, might contribute to a first-strike Soviet capability. If the Soviet offensive first-strike capability is constrained by a sound SALT agreement, we will have made a significant contribution to the survivability of Minuteman as well as our bombers. Under these circumstances, we could then forego Minuteman defense and accept a limit on ABM's to low levels and to a geographically restricted area. If SALT is not successful—which no one can assure—we will need Safeguard and perhaps have to take other measures to insure survivability of Minuteman.

Safeguard constitutes our principal leverage to obtain a halt in the build-up of Soviet offensive missiles. Safeguard is the major on-going U.S. strategic program which the Soviets are interested in restricting. While they have put out feelers as to the possibility of an ABM only SALT agreement, they recognize that a SALT agreement must cover both offensive and defensive systems. Their own statements have expressed clearly the inter-relationship between strategic offensive and defensive systems, and the U.S.-Soviet agreement to begin SALT negotiations specified that SALT would deal with both offensive and defensive systems. In the hard bargaining as to what specific offensive systems shall be covered, and particularly in achieving our objective of stopping the construction of large SS–9 missiles, Safeguard is our principal bargaining card.

If the funds for the ABM were to be put in escrow or otherwise restricted, and the ABM system made an obvious hostage to SALT, this would be a clear signal to the Soviets of an essential flaw in the U.S. negotiating position and that flaw would be exploited accordingly. The essential value to the system as a negotiating advantage is continuing development; the program must go forward if it is to have value. Any restriction upon it removes the essential factor of a continuing program. The Soviets could not do otherwise than view a restriction upon phase II as a direct failure of congressional and popular support for the program.

We must not fetter the hand of the President if we are to charge him with responsibility for achieving a meaningful arms agreement with a determined adversary. I urge Senators to reject the Cooper-Hart amendment.

ABM—BOONDOGGLE OR NECESSITY?

Mr. MONTOYA. Mr. President, we have before us a critical issue that has profound implications for the future of our Nation. The administration seeks funds with which to expand the Safeguard or ABM missile defense system. On the first go-round in this Chamber, this weapons system was approved by a margin of one vote. Now we are asked to extend a vote of confidence to the work already undertaken. Now we are requested to approve more funding for phase II.

Yet it is just this present undertaking which is in question. Technical arguments fill the air. The American public sees a vast cloud of rhetorical dust, within which the combatants thrash out their bitter differences. I believe it is time for plain talk.

The finest scientific minds in our Nation have stated again and again that the present state of the antimissile art is primitive. Antimissile defense as we now know it is years away from a point where it could justify the expenses we are today asked to approve. To say that technical arguments advanced by the Defense Department are weak is to use classic understatement.

I do not question the sincerity of our military people and their scientific advisers. Nor do I in any way question the intentions of the Secretary of Defense and the administration. They honestly feel this commitment should be made, the money spent, the chance taken. I disagree most respectfully with their position. Last year, we were told that the security of our Minuteman ICBM missiles depended upon development and installation of Safeguard. Now we are told it is a useful, expendable chip at the bargaining table where the SALT talks on disarmament are being held. The most recent phase of those talks ended yesterday. I do not place great credence in the "bargaining chip" argument. Last year the Defense Department was certain ABM was an effective defense against possible Soviet ICBM assault. This year their answers are far less glib and confident in this respect.

Each weapons system possesses an Achilles heel. In this case, it is the radars—in soft sites. Large or small, they are vulnerable. Once knocked out, the missile system we know as ABM becomes a blinded giant, unable to seek out its quarry in order to destroy it. Pentagon moves in recent months favoring smaller radars, dispersed more widely, are indicative of the truth of the argument that the radar is vulnerable. The Defense Department's moves and admissions along these lines confirm my worst suspicions.

Originally, ABM was to protect us against a Chinese threat while also protecting our ICBM force. If it could do only one, perhaps we could find grounds for approving it. It is impossible to believe the flimsy arguments put forth on its behalf. The argument that it would be aimed at preventing a modest strike by Red China's growing nuclear strike capability is unpalatable and unacceptable to me. What good does it to be immune to a left jab, if we are helpless against a right hook?

The feasibility of the proposed expansion of Safeguard to me rests upon whether or not it would work against the Soviet Union's thermonuclear strike capability. Further, we must bear in mind the fact that Russia is now engaged in putting a fleet of Polaris-type submarine to sea.

It is a fact that today there is no effective defense against ICBM attack. Only the ultimate in self-delusion could lead us to feel that such an impossibility was reality. The best scientific testimony says that even if the Safeguard system was completely installed today, and able to do all its proponents claim for it, the system would be ineffective.

It is no secret that the Soviet Union is expanding its overall military capacity. It seeks and will not be denied military parity with our Nation. Our own military people readily admit this, conceding that it is impossible to curb their thrust. This is a fact of geopolitical life, and we must live with it.

It is also historically accurate that the offense almost always stays several years ahead of the defense. Periodically, a breakthrough is achieved by the defense. This was the case for a short time in World War I, when the machinegun ruled supreme over infantry rushes that characterized trench warfare.

Technology, however, swiftly developed the armored tank to once again give the offense an advantage. The antitank gun was the defensive response, retaining preeminence for only a short while before advent of the attack plane rendered it helpless in a good many situations.

Today the offense remains supreme. In fact, it may be in such a commanding position for a good many years to come. No defense has been proposed since World War I to prevent the onslaught of masses of artillery-supported infantry, used in conjunction with armor and air, in conventional warfare.

Let us translate this into thermonuclear warfare terms. How can you stop a swarm of supersonic aircraft? How do you prevent a fleet of Polaris-type vessels from incinerating your land? How is one to cope with incoming ICBM warheads? How does one stop a bullet in midair? It cannot be done today.

When an officer manning the radar screen sees one incoming blip turning into hundreds, when each warhead throws out 20 decoys appearing on radar screens as the real thing, what will he do? When each warhead is multi-headed, when MIRV is accomplished, as it will soon be, what will we do? The

ABM argument turns into a debate over what seems to me a moot point today.

I am far more apprehensive over the growth of the Soviet fleet and its Polaris-type, nuclear powered, missile-carrying submarines than over whether or not we can construct an ABM system. I would far rather see ABM money invested in a counter to this growing and very real threat. We are now digging holes in the ground—vast pits—into which we are heaving staggering quantities of cash. Today it is proposed that we increase the amount of money we are dumping into these holes and even increase the number of holes. Mr. President, I have in mind the national priorities of this society of ours. We can ignore them or place them out of true order for only so long.

It is utterly essential that we get ourselves out of the sideshows and get back to the main tent where the circus is really going on. If we seek to do justice to national defense, let us not attempt it by investing in what could be the most costly military hardware mistake in history.

If research and development work holds promise, as I believe it does, then by all means let us invest in it. Further, I see no reason why we should not allow work on Phase I of ABM to continue. Let us not cut off this effort, for it could possibly bear some fruit. But by no means should we allow any expansion of this system beyond work already underway.

Mr. President, this debate has at times been too acrimonious for my taste. Too many harsh words and accusations have been hurled. It saddens me to see such divisiveness. Such bitterness as has been evidenced here has not added to the quality of discussion or affected the final decisions in the minds of any Senators.

I believe it is possible for us to undertake such a debate and decision in the future without a repetition of some of the exchanges which have recently passed here.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 29 minutes remaining.

Mr. STENNIS. I yield 10 minutes to the Senator from New Hampshire.

TO SECURE STRATEGIC ARMS LIMITATIONS

Mr. McINTYRE. Mr. President, as do most of the people of the world, our people want peace; and they know that the key to obtaining a lasting peace is a reduction in the tools of war.

At this crucial moment in history, the two major powers are engaged in vital deliberations in Vienna—the strategic arms limitation talks—failure of which could escalate the arms race; success of which could mark a giant step on the path to world peace.

It has become increasingly clear that the current arms posture of the United States will have enormous influence on the success or failure of the SALT.

I feel that these talks could be endangered by moving in either of two opposite directions on the Safeguard ABM system.

On the one hand, expansion of the system to an area defense concept is dangerously escalatory, and I was quite pleased when the Armed Services Committee, of which I am a member, agreed with my opposition to this part of the Safeguard system. I further feel that geographic expansion of this system prejudges some unsettled questions about the evolving technologies of the ABM system, and it also locks us into an expensive commitment beyond the needs of either diplomacy or defense at this time.

On the other hand, I have been most concerned with the so-called bargaining chip argument which holds that our search for a strategic arms limitations agreement might be endangered if we remain entirely static with Safeguard.

To evaluate that argument, I talked yesterday with a highly placed American source in Vienna, specifically asking him for an authoritative judgment.

This source made it very clear that the success of the SALT negotiations rests almost exclusively on our not remaining "static" in our ABM posture.

So in order to maximize our pursuit of peace at SALT:

First. I will oppose any attempt to restore the area defense concept which was rejected by the Armed Services Committee.

Second. I will oppose any geographic expansion of the system this year.

Third. And I will oppose any amendment which would not provide sufficient momentum to support our negotiators in Vienna. This includes the Cooper-Hart amendment.

Over the last several months I have sought with my colleague from Massachusetts, Senator BROOKE, and others, a solution which would give us enough dynamic to impress the Soviets with our support of our SALT negotiators, and with our will to meet whatever threat they may pose to our land-based deterrent; a solution which, at the same time, would avoid locking us into an untried or escalatory system.

I am satisfied that this amendment would achieve this:

First. It would provide a comparable degree of protection of the Minuteman force to that which would be achieved through the administration's proposed deployment of an additional Safeguard site at Whiteman Air Force Base;

Second. It would maintain sufficient momentum in the ABM program to sustain it during the intricate SALT negotiations;

Third. It would limit the Safeguard deployment specifically to the two bases already approved by the Congress; and

Fourth. Since it would take some time before additional radars could be started at those two sites, it would increase the likelihood that progress on more advanced technology might permit deployment of improved radars.

I intend to vote against the Cooper-Hart amendment, and I will, if the opportunity is presented, vote for the Brooke amendment.

I thank the distinguished chairman for yielding time to me at this particular time in the deliberations.

Mr. COOPER. Mr. President, Gov. Averell Harriman, who has served this country long and well, has among his many accomplishments a distinguished professional career in negotiating with the Soviet Union in his capacity as Ambassador to Moscow and as a member of many administrations. On August 10, Governor Harriman and Dr. Adrian Fisher, who was our chief negotiator in Geneva with the Soviet Union on the Nonproliferation Treaty, Dr. Franklin A. Long of Cornell University and Dr. Herbert Scoville, Jr., who served this Government as high officials of the Arms Control and Disarmament Agency charged with the responsibility of monitoring Soviet scientific activities, sent a letter to the Washington Post concerning the relation between the ABM vote and the SALT talks. Governor Harriman and Dr. Fisher have negotiated with the Russians more perhaps than any other Americans. Their judgment about how to negotiate with the Soviet Union is based on experience and competence. Because of the importance of their views and the great weight that should be given their judgment, I ask unanimous consent that their letter be placed in the RECORD at this point.

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

THE ABM VOTE AND THE SALT TALKS

Recently administration spokesmen have been insisting that unless the Congress authorizes the continued construction and expansion of the Safeguard ABM, it will not be possible to negotiate an agreement with the Soviets at SALT to limit strategic armaments. They argue that the negotiators need the Safeguard bargaining chip to induce the Russians to halt the deployment of their large SS–9 ICBMs.

This would appear to be an attempt to exploit the desire of the Senate and the public to achieve success in SALT in order to rescue the Safeguard program from defeat. The administration has always defended the Safeguard ABM defense of Minuteman sites on the basis that it was not a threat to the U.S.S.R. If true, why then should the continuation of this program be a chip to induce the Soviets to agree to limit their offensive missile deployment?

The major U.S. threat to Soviet security lies in the deployment of the U.S. MIRV systems. On April 9, 1970, the Senate passed a resolution by a vote of 72 to 6 urging that the President propose to the U.S.S.R. an immediate suspension by both countries of further deployment of *all* offensive and defensive nuclear strategic weapons systems. Yet this MIRV chip has been thrown away by the accelerated deployment of the Minuteman III and Poseidon missiles with their MIRV warheads and by the reported proposal that any MIRV limitations must be accompanied by Soviet acceptance of extensive inspection of both offensive and defensive missile sites. There is no security justification for such urgent MIRV deployment since the heavy Soviet ABM which they were designed to penetrate could not be deployed and become operational for many, many years.

It has also been reported that the possible outcome of SALT would be an agreement that henceforth the United States and the U.S.S.R. will limit their ABMs to the defense of their capitals. The continued deployment of Safeguard at the Minuteman sites will not in any way contribute to the defense of Washington, and the Senate is being asked to endorse the expenditure of funds for useless hardware if SALT is successful and for an admittedly at best mar-

ginally effective system if it is unsuccessful. Why the U.S. should try to get the Soviets to agree to the deployment of ABM defense for Washington and Moscow instead of a complete ABM ban is not clear, since the defense of Washington will not accomplish any of President Nixon's three objectives for an ABM system. A complete ban would eliminate the need for MIRVs and simplify the problems of verification by obviating any possible need for inspection. It is reported that the Soviets have indicated interest in such a complete ban.

Finally, history his unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.–U.S.S.R. negotiations on the Nonproliferation Treaty.

If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

In our judgment, a Senate vote against the ABM is a vote for success in SALT.

W. AVERELL HARRIMAN.
KARL KAYSEN.
ADRIAN S. FISHER.
FRANKLIN A. LONG.
HERBERT SCOVILLE, JR.

WASHINGTON.

SAFEGUARD PHASE II; A WASTE OF THE TAXPAYERS MONEY

Mr. TYDINGS. Mr. President, again this year the Senate is being asked to vote enormous sums of money for an antiballistic-missile—ABM—system that only can diminish U.S. national security. And again, after carefully reviewing the facts, I am compelled to vote "nay."

In addition to more than $1 billion requested to continue work on phase I of the Safeguard system, which was authorized by a narrow vote margin last year, $404 million is being requested to initiate phase II. Phase I authorized the construction and deployment of two ABM launch sites at Malmstrom Air Force Base, Mont., and Grand Forks Air Force Base, N. Dak. Phase II would permit the construction of a third such site at Whiteman Air Force Base, Mo., and the acquisition of five additional sites, including one in the Greater Washington, D.C., area.

Pentagon rhetoric to the contrary, the factors dictating against approval of phase II of the ABM are fundamentally the same as those that made phase I a dangerous waste of scarce tax dollars. None of the major objections to phase I raised by the scientific and diplomatic community last year have been answered satisfactorily. And, as we shall see, the current case for phase II is even weaker.

Since phase II is simply an expansion of phase I, let us begin a consideration of this second step with a thorough review of the major arguments presented in support of and in opposition to the Safeguard system as a whole.

Though the justifications for deploying an ABM have shifted with the political winds both during this administration and during the last, Secretary of Defense Laird offered three principal reasons last year for constructing the Safeguard system during congressional hearings:

First, to defend against a possible Chinese nuclear missile attack;

Second, to defend against a "light" irrational or accidental attack by the Soviet Union; and

Third, to protect a portion of our offensive missile forces for a second-strike capability against a possible Soviet attempt to develop potential to wipe out our offensive force through a massive preemptive nuclear attack.

At the same time, spokesmen for the Defense Department indicated what the ABM was not supposed to do:

First, it was not to be a defense of our cities against an allout attack, for this was deemed beyond our present technological capabilities;

Second, it was not to provoke the Soviets into reacting, thereby setting off another extensive round in the arms race; and

Third, it was not to undermine in any way our chances of reaching agreements with Soviets on arms control and limitation.

These arguments for the ABM simply do not hold water. To begin with, the case made by the Pentagon for the deployment of ABM installations around our Minuteman sites in Malmstrom, Mont., and Grand Forks, N. Dak., is rife with inconsistencies and contradictions.

If the Chinese ever chose irrationally to attack—and it should be remembered they still do not possess a deliverable nuclear attack capability—it would surely consist of a suicidal nuclear bombardment of our cities, and not a strike against our missile bases. For the Chinese will not have a sufficient number of warheads in the foreseeable future to attempt to destory our second-strike capability, that is, our ability to absorb a nuclear attack with enough of our missiles intact to devastate China in response.

The Safeguard system is simply not designed to defend cities. The Safeguard consists of two different types of missiles: The Spartan missile which is designed to intercept enemy missiles before they reenter the earth's atmosphere and which has a range of approximately 400 miles; and the smaller Sprint missile, with a range of 25–30 miles, which is supposed to pick up enemy projectiles that penetrate the Spartan defense and disarm them 100,000 feet above their targets.

Given the location of the two ABM installations authorized in phase I, the only one of the Nation's 25 largest cities that would receive even theoretical protection against a Chinese attack would be Minneapolis. The rest of our urban population would remain as vulnerable as before.

Would this situation be remedied by deploying in the 10 additional sites the Pentagon is reportedly contemplating? I think not. According to scientists both in and out of Government, it is relatively easy to deceive the radars which guide the Spartan missiles with decoys and other deception devices. It is not until objects actually reenter the atmosphere that radars can reliably differentiate the decoys from the real thing. At this point, it falls to the Sprint to provide the ultimate protection.

But the Pentagon has announced its intention to place its ABM sites a considerable distance from our cities, which would place our major population centers outside the range of the Sprints. Thus, with a little ingenuity and the technical proficiency which the Soviets now have and the Chinese will likely soon possess, they could penetrate our Spartan defense and devastate our cities.

Why do we not move our Sprints closer to the cities? Because then we would have the "damage-limiting" system the Pentagon claims is impractical and which it believes will provoke the Soviets into increasing their own offensive capacity.

In other words, the justification of the ABM as protection against a Chinese nuclear attack simply defies the facts.

The argument that the ABM would provide useful protection against a less than "all-out" irrational or accidental attack by the Soviets is hardly more convincing.

The "irrationality" of a Soviet missile attack on the United States would be irrational because it would be suicidal. Regardless of the destruction wreaked on the United States, the U.S.S.R. would also be obliterated in the process. However, to assume that such a Soviet attack might also be irrational enough to be less than all-out defies reason. Why should any Soviet leader send only a few missiles over when he knows the United States will retaliate with its full second-strike force? Even men as mad as Hitler were never guilty of such thoughtless accommodation to their enemies. If the Soviets did attack, it would certainly be with full force, which by the Pentagon's own reckoning would render the proposed Safeguard system useless.

As for accidental attack, I assume it would consist of one or two missiles that unintentionally got away. Since all missiles are preprogramed to specific destinations, it is clear that such a missile would either be directed toward a large city or toward a missile site.

If the former were the case, the Safeguard system would only protect Minneapolis theoretically, and might even prove inadequate here owing to the fact that this city is beyond the range of our Sprints. If this enemy missile were targeted at a missile site, we would at most simply lose a few of our 1,000 ICBM's, and few lives would be lost. It is hardly worth the vast expense of an ABM system to insure against loss of a few drastically less expensive ICBM's.

The final justification offered by the Pentagon in support of the Safeguard is the most serious. It is based on the claim that our second-strike capability is being threatened by the Soviets and that meas-

ures must be taken to protect portions of our second-strike force.

If in fact our retaliatory capability is in question, we must act immediately to restore it. The Soviets must never doubt our ability to inflict unacceptable damage to their society in response to a preemptive attack. This is the very substance of our deterrent strategy. If our retaliatory capability is in question, additions to our offensive forces, not dubious defensive missiles, ought to be our strategy.

However, there is no evidence that our second-strike capability is being threatened or that Moscow doubts its effectiveness.

Last year, before the Senate Foreign Relations Subcommittee on Disarmament, Secretary of Defense Laird declared:

The Russians are going for a first strike capability—there is no question about that.

This came as a shock to those of us in Congress who are acutely interested in this Nation's defense posture. Only 2 months before, outgoing Defense Secretary, Clark Clifford, had announced:

The U.S. shall continue to have, as far into the future as we can now discern, a very substantial qualitative lead and a distinct superiority in numbers . . . and overall combat effectiveness of our strategic offensive forces.

He added that the most pessimistic military estimates credit the United States with the ability to destroy 40 percent of the Soviet population and 75 percent of their industry even after an all-out attack by the highest expected threat the Soviet could launch in the future. And presumably by future, he meant more than 8 weeks.

The national intelligence estimate—the consensus view of the Defense Intelligence Agency, the State Department, and the Central Intelligence Agency—denies the existence of any first-strike plans on the part of the Kremlin or any signs that such plans are in the making. In addition, Secretary of State Rogers reconfirmed this view in a press conference shortly after Secretary Laird's statement declaring that he was not aware of any Soviet intentions to develop a first-strike capability.

The arithmetic of the situation casts further doubts on Mr. Laird's contention. Both the Soviets and we have slightly in excess of 1,000 operational ICBM's. Let us suppose Moscow initiated a preemptive strike against the United States and destroyed every one of our Minuteman in their hardened and dispersed sites—a virtual impossibility given what we know about the launch probabilities, megatonnage and accuracy of Soviet missiles. This hypothetical exercise also requires the further doubtful assumption that we chose not to launch our ICBM's during the grace period after our radars detected this massive Soviet assault and before the enemy missiles actually struck.

Our retaliatory forces would still contain 656 submarine-launched Polaris missiles that are invulnerable to enemy attack, and 480 B–52 bombers each carrying four nuclear bombs and a nuclear-tipped Hound Dog missile with a range of 700 miles once it is launched from the parent plane. This is a total of 2,400 nuclear missiles, each armed with one or more nuclear warheads. According to former Secretary of Defense McNamara's estimates, it would take no more than 400 nuclear warheads to damage the Soviet Union beyond recognition and repair.

Mr. Laird based his claims about Soviet intentions to develop a first-strike capability on the deployment of 200—plus Russian SS–9 missiles. We have known about these missiles with large warheads for several years, and our intelligence evaluations have considered them part of the Soviet second-strike force designed to destroy our cities in a retaliatory attack. Suddenly, without explanation the Secretary of Defense has decreed that they are now first-strike weapons.

Even accepting this questionable turnabout, the SS–9 provides no reason for deploying an ABM in this country. Assuming these missiles possess the accuracy and launch probability estimated for our own Minuteman missiles, all 200 SS–9's with huge multimegaton warheads would destroy only 90 of our 1,000 landbased ICBM's. The Soviet would require more than 2,000 of these SS–9's armed with 20 megaton warheads to destroy our entire Minuteman force—and this would still leave us with 656 submarine-launched missiles and our intercontinental bombers with which to retaliate.

Finally the credibility of Mr. Laird's contention that Moscow has first-strike designs was undermined by his recommended response. He called for a limited ABM system that would not provoke the Soviets. If, in fact, the Soviets are intent on developing the capability to destroy us and our ability to retaliate, and if the ABM is a workable defense, should we not proceed immediately with a heavy system to protect our people and all our missiles? And why are we worried about provoking a nation which supposedly already has decided to go all out to annihilate the United States? How can they be further provoked?

In addition, spokesmen for the administration have indicated U.S. readiness to abandon the Safeguard if the Russians will give up their limited ABM deployment around Moscow. Anticipating the SALT talks, Secretary of State Rogers informed the Foreign Relations Committee last summer:

Suppose we started our talks in a few months and the first thing that's said by the Soviet Union is, "Let's do away with defensive missiles." We'd have no problem. We'd be delighted.

If we truly believed the Soviets were forging ahead with the development of a first-strike capability, such a concession would be suicidal. We would be playing directly into Moscow's hands. One is forced to conclude that Mr. Laird does not take his own cries of "wolf" as seriously as he would have us accept them.

In summary, the Pentagon's claim that the Safeguard is necessary to preserve our second-strike capability is unconvincing.

Thus, a careful examination of the three principal justifications for an ABM system offered by the administration—to protect us against a Chinese attack, to defend against a light irrational or accidental Soviet attack, and to counter Kremlin designs to develop a first-strike capability yields little reason to support deployment. Indeed, the Pentagon's own contradictory and inconsistent defense of the system provides a persuasive case for its rejection. It appears the Safeguard will not do that for which it is intended while doing that which is not needed.

However, it is conceivable that a proposal may possess merit though it will not do what its proponents claim. Therefore, I believe there are several other questions that must be raised before a responsible decision on deployment can be reached.

The most obvious is whether or not the Safeguard system will actually disarm enemy missiles before they destroy their targets. That is, will it work? The weight of the scientific evidence presented before the Congress to date indicates the ABM will not work.

Safeguard's technology is essentially the same as that of Nike X which was rejected as inadequate when it was developed. The last five science advisers to the President, the President's Science Advisory Committee, and hundreds of scientists across the country have entertained serious questions about the technical difficulties an ABM system would encounter. Most of their questions, such as those concerning radar blackout, computer programing, saturation, fallout, and command and control links, remain unanswered. In fact, many can only be answered with confidence under actual combat conditions, when it is too late to correct system failures.

There is also the problem of early obsolescence. Our scientists are confident we could render a Soviet ABM system ineffective by relatively simple countermeasures. Enemy radar could be deceived or debilitated with devices such as large numbers of lightweight decoys, nuclear explosions, electronic jammers, and widely dispersed metal chaff.

There is every reason to believe the Soviets and Chinese would develop these deception techniques, leaving us with a multi-billion-dollar missile system that might be totally obsolete even before it is fully developed. Would we consider funding a poverty program with similar prospects?

Finally, the argument has been advanced forcefully this year that the missile site radar—MSR—that serve as a Safeguard's eyes are extremely vulnerable to enemy attack. As Dr. Wolfgang K. H. Panofsky, director of the Stanford Linear Accelerator, testified before the Senate Foreign Relations Committee on April 13 of this year:

My criticism is aggravated by a second objection never answered by the Defense Department. The Soviet SS–11 missiles (which now exist in much larger quantities than the SS–9's) are at present of sufficient accuracy and explosive power to destroy the missile site radar, although they do not endanger the Minuteman silos. Thus, in effect a Safeguard defense to protect Minuteman against the SS–9 could be totally negated by the Soviets even if the system were deployed today.

So far we have focused on what the Safeguard's proponents say it will do—

on its potential benefits. A balanced appraisal dictates an evaluation of possible costs resulting from deployment.

First, we must consider the impact of constructing an ABM system on the arms race and international stability.

The President contends that because the Safeguard system is "thin" and its avowed purpose is defensive, deployment will not provoke the Soviets into expanding their own missile forces. While the absence of a Soviet reaction would be welcome, it seems highly unlikely.

Why should the Russians, with their obsession for defense conditioned by two world wars, exercise more restraint than we, ourselves, have managed? After all, the Pentagon's decision to proceed with the Safeguard was partially in response to the Kremlin's deployment of a very limited system around Moscow. In addition this small Soviet ABM system "provoked us into developing multiple independently targeted reentry vehicles—MIRV's—for our own missiles to insure our capacity to penetrate antimissile defenses.

At a minimum, the Soviets could be expected to increase their offensive forces sufficiently to saturate our Safeguard defenses in Montana and North Dakota, thereby preserving their ability to strike our missile bases. More likely, given the action-overreaction pattern that has characterized the arms race, they would feel compelled to increase their offensive missile forces, to expand their ABM system, and to begin to develop their own MIRV's.

Once both nations actually begin to deploy ABM systems and MIRV's, the history of the strategic arms race will have entered a disastrous new phase from which there might be no escape. Massive new levels of expenditure and danger will be imposed on both peoples with no gain of security for either.

The key to the current strategic balance and hopes for eventual arms control is the ability of each nation to accurately calculate the missile strength of the other. For only with such information can we and the Soviets be certain that our second-strike capabilities are adequate.

A combination of MIRV's and ABM's destroys such certainty. The MIRV is a weapon system which permits the independent firing of a number of nuclear warheads from a single missile. Since these warheads are concealed in the nose cones of the missiles from which they are fired, there is no way of knowing how many warheads another nation could unleash in time of war.

The ABM merely increased this uncertainty. Since it is impossible to know how effective an antimissile system would be during an actual nuclear exchange, it is impossible to ascertain with any certainty how many of your own missiles would be needed to penetrate it.

Since we and the Soviets could no longer accurately estimate either the offensive or defensive capabilities of the other, both nations would be condemned to add continuously to their armaments to guarantee that neither could attain a first-strike potential. In addition to being incredibly expensive, this endless arms race would produce a permanent strategic instability that would invite miscalculation and a heightened possibility of nuclear exchange.

In other words, deployment of the ABM and its antidote, the MIRV, would place us in the paradoxical position of purchasing insecurity at a very dear price. All we would have to show for our hundreds of billions in defense appropriations would be considerably less national security than we currently enjoy.

Furthermore, the opportunity to negotiate meaningful arms controls with the Soviets would be lost. The only way to determine the number of MIRV's in a missile is to open the nose cone and count them. Given the longstanding Soviet opposition on onsite inspection, no workable arrangement with Moscow to limit or decrease nuclear warheads would be possible. We would become the permanent prisoners of our own ingenious technology.

Next, there is the matter of opportunity costs. Every government, business, and household must weigh intended spending against the benefits that would be derived from alternative uses of the money.

Determining how much the Safeguard system would cost is difficult. The Pentagon has provided an estimate of $7 billion. However, according to a recent Brookings Institution study, U.S. weapons systems consistently cost taxpayers 300 to 700 percent more than initial Defense Department estimates. Therefore, at a minimum we are contemplating an expenditure of between $21 and $49 billion.

If we assume Soviet reactions to the Safeguard will cause us to expand it into a heavy system, we find ourselves committed to a military bill ranging in the hundreds of billions of dollars. Senator Symington estimated that the cost of a heavy anti-Soviet ABM system could conceivably run over $400 billion—which is more than double our entire Federal budget.

A tripling of the Federal budget over a short period would obviously triple Federal taxes and exacerbate the dangerous inflation we are fighting. Given that per capita taxation in this country is already in excess of $1,000 and that our dollar is currently losing 6 cents in buying power each year, a radical increase in Federal spending hardly would be a welcome development.

More importantly, increases in military spending would render impossible the needed reordering of the national agenda. Though we are the most affluent of nations, resources in the public sector remain limited. In reality, we have not been able to afford both guns and butter. The war in Vietnam and a burgeoning defense budget have compelled us to ignore pressing domestic problems.

Our central cities are in an advanced stage of deterioration. Slums spread and businesses providing jobs and service flee to the more inviting suburbs.

The poverty that grips these blighted areas shatters families and breaks men's spirits. Adults and children are driven to drugs and crime. Failure and frustration explode into riots and bitter disillusionment with the American dream. Millions of Americans in our urban slums and rural shantytowns continue to struggle for survival ill-housed, ill-clothed, ill-fed. Our war on poverty has turned into a decidedly dovish affair for lack of funds.

A situation that places the solution of such problems at the bottom of the list of national priorities is unacceptable. We must not become so preoccupied with defense that we lose sight of what is being defended.

A budget that devotes two-thirds of all Federal funds to military and defense-related items threatens to militarize our foreign policy, our economy, our entire culture. Without weakening our ability to deter war, we must find ways to cut defense spending, not increase it.

For if we fail to reorder our priorities and restore some balance to Federal activities, we will no longer need to worry about the balance of power and enemy first-strike capabilities; we will meet devastating disorders at home.

The evidence against deploying the Safeguard system is as compelling today as it was a year ago. It will not defend us against a Chinese or Soviet attack on our cities; the Soviets will still be able to strike our missile sites by means of deception devices or by simply saturating our defenses with more missiles than we can handle; there is strong reason to doubt the Safeguard will actually work; the Soviet response to deployment will likely trigger an incredibly expensive new round in the arms race that could destroy any hopes for disarmament or arms control; the development of ABM's and MIRV's will destabilize the current strategic balance of power and introduce uncertainties that will leave us less secure than we are today; Safeguard might cost as much as $400 billion at a time when taxes are rising and inflation is reducing the value of the American dollar; an assessment of opportunity costs suggests that tax dollars would be better invested in solving urgent domestic problems instead of more military hardware that is unneeded to preserve our national security.

Phase II makes absolutely no sense even if we accept, for the sake of argument, all of the supporting claims for phase I advanced by the Pentagon.

Last year, in urging approval of funds for phase I, Secretary Laird stressed the experimental nature of this first phase:

> Let us deploy Phase I. Let us complete it. Let us finish it. Let us see how it works and after that decide whether to go ahead.

Nothing yet exists at the Malmstrom and Grand Forks sites except bulldozers and mounds of earth. Yet, suddenly Secretary Laird has abandoned his own advice. Now he wants to go ahead and spend another half-billion scarce tax dollars before phase I has been deployed before it has been completed; before we can determine whether this much-questioned system works or not.

The Pentagon cannot have it both ways. Last year it got phase I—by a Senate margin of two votes—on the grounds that it was an experiment aimed at answering the doubts of the system's critics. Today, with those doubts not yet dispelled, it argues that phase I alway

was envisioned as the initial stage in an area-defense system.

In addition, the administration is resting its case for deployment of phase II on the hollow grounds that an expansion of the Safeguard system is essential to the success of the strategic arms limitation talks—SALT—with the Soviets. But there is no way to support this assertion with logic.

If Safeguard is not viewed as a strategic threat by the Soviets, as the administration contends, it could not be a critical chip in the current negotiations in Vienna. On the other hand, if it is regarded as a force capable of upsetting the strategic balance of power, we already have authorized an ABM system with more interceptors than the system currently deployed by the Soviets around Moscow. Either way, the progress of phase II has no bearing on SALT unless it is to convince the Soviets that we are intent on developing a heavy ABM system and are not really interested in arms limitation.

Therefore, to preserve U.S. security and save the American taxpayer from further wasted Federal spending, I intend to vote for the Hart-Cooper amendment to strike phase II of the Safeguard system from the military procurement authorization bill.

SENATE SHOULD RESTRICT EXPANSION OF ABM SYSTEM

Mr. YARBOROUGH. Mr. President, the Senate will very shortly be voting upon the proposed limitation of the Safeguard anti-ballistic-missile system. As a cosponsor of the Cooper-Hart amendment, I want to take this opportunity to urge my colleagues to support this measure as a step toward the goal of slowing down the catastrophic nuclear arms race. As we examine the record of arguments offered in support of the ABM, it becomes clear that this weapon is similar in some respects to the chameleon. Just as the skin color of this lizard changes in accordance with the surrounding conditions, the justification for the ABM similarity seems to shift under the pressure of critical examination. In 1967, we were told that the Sentinel-ABM system would serve to protect American cities against the possibility of an attack by Chinese ballistic missiles. Last year, the primary justification given the deployment of the Safeguard-ABM system was the necessity of protecting our retaliatory Minuteman ICBM strike force from a possible Soviet onslaught. Now we hear that phase II of ABM deployment is an essential "bargaining chip" at the SALT talks in Vienna. The chameleonic character of this multibillion-dollar weapons system makes one wonder what the true justification for the ABM really is. The rationale for this system may be merely elusive, but then again perhaps we are seeking a justification where none exists. In any event, I think that it is imperative that we decide exactly what it is the ABM is designed to do before we pour many more billions into the expansion of the program. The continued promulgation of spurious rationales can only further damage the already scant credibility of the Safeguard system.

We face a domestic crisis in this country which precludes the frivolous luxury of wasting our resources on military boondoggles. Our people are victimized by decaying inner city schools, the soaring cost of medical care, housing shortages, noxious air and water, and inadequate transportation systems. It is time that we stopped lamenting these problems and start taking immediate remedial action. Earlier this year we witnessed a veto of appropriations for health, education, and hospital construction. Fortunately, the Congress was successful in overriding a veto for the first time in 10 years when it refused to sustain the President's action with regard to the hospital construction funds.

Yesterday, the President struck down two more appropriations bills designed to meet the needs of America's people when he vetoed the Office of Education and independent offices-HUD appropriations bills. The President speaks out for the ABM and other military expenditures, but shows a callous disregard for the needs of our people. It is said that due to serious inflationary pressure Congress must cut expenditures in order to stabilize the economy. Why is it that money destined to improve the health, education and general quality of life for our people is considered inflationary, whereas, extravagant military adventures escape unscathed?

Is the Nation's security really enhanced by spending billions on a weapon that is likely to be obsolete in a few short years, rather than spending the money on programs for health care, education, mass transportation, pollution control, and the like? It would be helpful if those who worry incessantly about our defense posture would devote equal efforts toward meeting these critical domestic needs. It is my belief that if these problems remain unresolved, the internal decay of our social fabric will pose the greatest threat to the security of this Nation.

The Cooper-Hart amendment is a reasonable compromise offered by men of reason. It would provide over $1 billion for the continued deployment of the ABM at Malmstrom and Grand Forks. Included in the authorization would be $365 million for additional research and development which could eventually lead to a system designed to really protect our Minuteman ICBM force. This proposal in no way jeopardizes the role of Safeguard as a so-called bargaining chip at the SALT talks. Indeed, the adoption of this amendment would enhance the legitimacy of our stated desire to limit the further deployment of such weapons.

In last year's debate on phase I of the ABM system, I stated that—

> We would be wasting our money were we to spend it on the Safeguard. We would be spending to protect ourselves from imaginary threats beyond our borders, and ignoring the very real enemies—hunger, poverty, ignorance, and physical suffering—here in this Nation.

My commitment to this principle remains steadfast, and I again reiterate my support for the Cooper-Hart amendment of which I am proud to be a cosponsor.

EXPANSION OF ABM SYSTEM

Mr. JORDAN of North Carolina. Mr. President, when I voted last year for initial deployment of the Safeguard anti-ballistic-missile system, I took the position that the move was necessary as a deterrent measure until this country could get a firm agreement with Russia for specific limitation of strategic arms.

I stressed at the time, however, my fervent hope that such an agreement could be reached and that it would eventually serve as the basis for extension of the disarmament move to embrace other nations.

That is still my hope, because I think such disarmament offers the only prospect for easing of international tensions and an era of peace which we all seek.

The road to arms limitation, however, cannot be a one-way street and I think would be a perilous one if traveled alone.

I find it significant that Russia entered into SALT discussions only after this country's decision for limited deployment of the Safeguard system and that the ABM has figured prominently in those talks up to this point.

If I were convinced that the steps we have already taken were sufficient to insure a moratorium on further development of both offensive and defensive missiles until a limitation formula can be found, I would be the first to agree that we ought not to expand further the Safeguard concept.

Unfortunately, that does not seem to be the case.

Evidence developed by the Defense Department and the Senate Armed Services Committee clearly indicates that the Soviet threat to our land-based missiles has substantially increased during the past year.

The most disturbing development is the significant boost in production of the SS–9, Russia's largest ballistic missile, designed for use against hardened missile installations.

Because the Safeguard's primary mission is protection of such ICBM sites, I seriously question the wisdom of deciding now against affording that protection for our retaliatory force.

Such a decision, it seems to me, would both weaken our stand in the strategic arms limitation talks—SALT—and prejudice our security if the talks fail

For that reason, I am supporting the recommendation of the Armed Services Committee for expansion of Safeguard deployment to additional Minuteman sites.

This in no sense detracts from my strong desire for peace in Southeast Asia and for ending the conflict in the rest of the world.

I deeply want that peace.

I also want to preserve the freedom and security of this country against any danger which would make that search for peace a futile and meaningless gesture.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, we have used all our time except approximately 5 minutes. I think it would be proper for the opponents to use part of their time now.

I would say that in every debate on ABM on the closing day or the day before, or in a closed session, as we had last year, we have been given information which we cannot refute in the time available, or about which we cannot speak publicly. I want to repeat the request I made a few minutes ago: If anyone in this body has a message from the chief negotiator, Mr. Smith, in Vienna, I think it would be the fair thing to do, the honorable thing to do, to present it to the Senate, if it can be presented, so that all of us will have the benefit of what he said. It may be that different judgments would be made about such a message. But if the rumors continue, and if there is such a paper being shown, and if any Senator can produce it, I hope he will do so for the benefit of all Members of the Senate and for the good of the country, in fairness to all of us.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Michigan (Mr. GRIFFIN).

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, more than a year ago—on June 14, 1969, to be exact—I said that I had decided to support the President's Safeguard program because:

> I hope we can come to an arms control arrangement with the Soviet Union, and I am convinced that this is the best way to do it.

I take the same position today in support of the committee's proposal for essentially the same reason.

I repeat that statement because of assertions made earlier in the debate today by the distinguished Senator from Arkansas (Mr. FULBRIGHT)—assertions to the effect that arms control negotiations were not a factor in the deliberations a year ago. As I have indicated, the arms control negotiations were very much a factor last year in the decision of the junior Senator from Michigan, and I recall that many other Senators indicated a similar concern.

Several months ago, the columnists Rowland Evans and Robert Novak, wrote as follows:

> Hard new intelligence on Soviet construction of SS–9 long range missile sites not only confirms Secretary of Defense Melvin Laird's warning last March against a possible Soviet "first strike" capability but shows he actually underestimated Soviet progress.

And then the columnists concluded that—

> The new estimates of Soviet production of the SS–9 strongly hint that Moscow is doing one of two things: Using the weapon to increase its bargaining power at the arms control talks . . . or using the arms talks to lull the United States into false hopes while the Soviets radically increase their first-strike capability.

Whether or not this assessment is correct in all respects, it is quite correct, I submit, in stressing the importance of bargaining tools for arms control negotiations.

In assessing the arguments against deployment of phase II, we must ask ourselves the question: What negotiating leverage will be provided by approval of phase II as modified by the committee?

With respect to that question it is useful to focus on the positions that have been reflected at SALT. In a recent news analysis in the Washington Post Columnist Chalmers Roberts noted that several points have emerged from the Soviet-American discussions at Vienna and Helsinki indicating that—

> The chief compulsion (given a rough parity in nuclear arms between the two countries) that has produced indications that Moscow will accept an agreement has been the Kremlin's fear that the American Safeguard anti-ballistic missile (ABM) system would be expanded into an area defense system for the entire United States.

Although the Armed Services Committee decided to strike from the bill all funds for area defense sites, which I believe was a wise decision, at least for the time being, any further cutback to phase I alone would not provide the flexible position necessary with respect to our intentions on area defense. It is important to remember that the Warren site would offer some area protection and that the committee's action was predicated on the grounds "that there is no compelling need to move now to the deployment of an area defense."

It seems to me that approval of phase II inserts a desirable degree of uncertainty into the negotiating picture as to possible future action by the United States on area defense, without taking the additional and potentially provocative step of commencing deployment of such a defense.

Mr. President, it is inconceivable to me that the Senate would now vote to weaken our position at the SALT talks by indicating a lack of confidence in our most important bargaining point, especially when that bargaining point is stronger now than it was a year ago.

The decision we shall make this afternoon is a vital and historic decision that will have far-reaching consequences in terms of our national security.

Although we may differ in our conclusions, each Senator will be voting in accordance with his own conscience and convictions. He will be acting in the best interest of our Nation, as he sees it.

Mr. President, of course, I do not know how the SALT talks will ultimately come out. Perhaps the talks will fail. I do know one thing: if this amendment should carry and if the SALT talks should thereafter collapse, I would not want to be in the position of those who will vote today against the President of the United States.

Mr. President, I hope that the pending amendment will be rejected.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Florida (Mr. HOLLAND). I am very sorry that I have only 3 minutes to yield to him.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. HOLLAND. Mr. President, I thank the Senator from Mississippi for yielding to me.

Mr. President, my remarks will be brief and, I hope, practical.

In my 54 professional years I have spent much time in trying to reach settlements which were fair and favorable to my clients. That is exactly the position the present administration's representatives are in, in the SALT talks and the disarmament talks, as our advocates, in arguing for those positions favorable to the people in the United States in these two very vital confrontations.

Mr. President, we here in Congress represent the people of the United States in supplying or withholding values which our advocates feel are of importance.

Insofar as the Senator from Florida is concerned, he thinks that is the essence of this matter, and he would not, for anything, vote for this amendment which, in effect, as he sees it, will help destroy the morale of our negotiators and, what is worse, will give notice to those who confront us on the other side of the table and to the world that the legislative branch of the Government is not backing the executive branch of the Government, which is our exclusive advocate at these two vital confrontations.

I shall certainly vote against the pending amendment.

Mr. STENNIS. Mr. President, I yield 12 minutes to the distinguished Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER. The Senator from Washington is recognized for 12 minutes.

Mr. JACKSON. Mr. President, both sides on the issues in controversy have had a full opportunity to state their cases. It has, I believe, been a most useful debate, marked by sincerity and conviction and a deep concern for the security of the United States and the peace of the world.

As I have reflected on the views and opinions that have been expressed on both sides, an important, central agreement has clearly emerged. Every Senator who has spoken has emphasized the importance—indeed the necessity—of maintaining a reliable deterrent capability; at the same time, every Senator who has spoken has emphasized the importance of acting in such a way as to maximize the chances of reaching agreement with the Soviet Union on the limitation of strategic arms.

Not surprisingly, for the issues are complex and difficult, there is not unanimity among us on the policy which will best contribute to the accomplishment of these two purposes. The decisions we take here today will be studied with great interest far beyond this Chamber and this moment, and it seems to me to be important, therefore, to state the fact of our central agreement clearly and unambiguously. There should be no doubt whatever that the Senate of the United States is dedicated to the maintenance of a reliable strategic deterrent and that it is equally dedicated to support our national effort to reach agreement with the Soviet Union on measures for the limitation of strategic arms.

At this stage of our debate, Mr. President, it will surprise no one that in my considered judgment these two central objectives, which we all share, can best be served by approving without amendment the recommendation of the Armed Services Committee.

I wish to take but a few minutes of the Senate's time, as we approach the voting, to recapitulate the arguments that have led me to this conclusion.

First, I believe that Safeguard will provide an effective defense of our land-based deterrent, and that defensive measures are essential to the preservation of an adequate strategic retaliatory force. I have concluded, on the basis of the most careful examination of the growth and nature of the Soviet threat to our strategic forces, that failing now to provide for a defense of our deterrent would entail unacceptable risks to our national security—and, in consequence, to the peace of the world.

It has been argued by several of my distinguished colleagues that the Safeguard system will not work, or, more often, that even if it works perfectly, it will provide only "negligible protection" to our Minuteman missiles over "a very narrow band of threats." While I wish to be brief, Mr. President, I think the Senate should clearly appreciate that this argument, supported by a number of scientists, has been shown to rest upon an error of striking proportions. I spoke at some length on this matter yesterday, and interested Senators may wish to consult a statement I included in my remarks at that time. The statement, signed by four eminent scientists with long experience in strategic analysis, clearly demonstrated that the "negligible defense" argument rests on the outlandish assumption that the Soviets would design an attack against our Minuteman force with the express intention of leaving us with 300 surviving missiles—a number stated by the holders of this view to constitute an adequate retaliatory force. In other words, Mr. President, the crucial assumption upon which is based the view that Safeguard offers negligible protection to the Minuteman force, is that the Russians, in attacking our Minuteman force, "would take as their objective the preservation of our ability to retaliate adequately."

As I pointed out yesterday, a more sensible assumption—that the Soviets would only strike with the intention of destroying as many Minuteman as possible, leaving, say, 50 surviving missiles—leads to the conclusion that Safeguard offers very considerable protection over an extremely wide band of threats. Moreover, Safeguard provides a base upon which we can offset increases to the Soviet offense, thereby assuring our security in the face of an increasing threat.

I would point out—and I would hope that those of my colleagues who have relied on the view that Safeguard offers negligible protection would agree—that this crucial error should be acknowledged, and positions based upon it reconsidered.

I can assure the Senate that the Committee on Armed Services was fully aware of the questions about Safeguard's effectiveness and of possible alternatives to the Safeguard program and that the committee made its recommendation to proceed with Safeguard only after satisfying itself that the Safeguard system can be effective and will do the job that needs to be done. It was only after extensive hearings and careful deliberation that the committee recommended the approval of the additional site at Whiteman and advanced preparation at Warren Air Force Base, in the conviction that such approval is prudent, necessary, and responsive to our needs.

I turn now to what is, in my judgment, the most critical issue of this debate—the relation of Safeguard to the Strategic Arms Limitation Talks. As I have said, success in these talks is a goal we all share; there is not one among us who does not profoundly hope that a satisfactory agreement will be reached.

Mr. President, in hearings before the subcommittee on the SALT talks, in private communications with responsible officials, and in official messages, there is virtual unanimity that the success of the SALT talks is vitally dependent on maintaining the forward momentum of the Safeguard system.

I wish to dwell on this point a moment longer, because I believe that the sense in which Safeguard is important to SALT has not been fully appreciated by many Senators. In addressing this issue, I should like to explain why I believe that the mere continuation of Phase I is insufficient for the purpose of securing an agreement at SALT.

The description of Safeguard as a "bargaining chip" betrays a fundamental misunderstanding of the complex relationship between Safeguard and success at SALT. The term—like all clichés—is profoundly misleading. Drawn as it is from poker or some other idle pastime, the analogy obscures the central role of our effort to offset Soviet offensive weapons in providing an incentive to them to restrict further increases in those forces.

In the context of the SALT talks Safeguard is, above all, a demonstration that we are determined to nullify any effort by the Soviets to achieve a first-strike capability. At present such a Soviet effort appears to take the form of costly additions to their strategic offensive forces, particularly their large and growing force of SS–9 missiles. By making it absolutely clear that we will nullify their investment in offensive weapons, we demonstrate the futility of any such investment. Once having accomplished this—once having shown their effort to be wasteful of scarce resources—we are in a strong position to urge mutual limitations. Safeguard, understood in this strategic context, speaks more loudly than words of the wisdom of mutual limitation. "Is it not senseless," we might ask the Soviets, "for you to deploy SS–9's at great cost and for us to deploy Safeguard to offset them? Would it not be better to arrive at an agreement in which you make Safeguard unnecessary by freezing the threat to Minuteman and we, no longer needing Safeguard protection, abandon it?" This, I submit, is the logic underlying my conviction that Safeguard is central to an agreement.

I believe, Mr. President, that it will be readily seen that from this point of view phase I is not enough. It is not enough because it does not demonstrate that we are in fact prepared to offset increases to the Soviet strategic force. Only a dynamic and responsive Safeguard program can make that clear.

Now, there have been those who have argued that, because Safeguard does not threaten the Soviet deterrent, it has no utility in the SALT talks. This view, it seems to me, assumes that only the "stick" in the carrot and stick partnership can provide an incentive to accommodation. All of us, but especially those Senators who are sensitive to the need for restraint in these matters, should appreciate the unfortunate and confusing error in this view. I certainly have never proposed that Safeguard be used as a "stick" to bludgeon the Soviets into an agreement. I have never argued that negotiating from strength means or should mean the senseless pursuit of "strategic superiority." I would be the first to agree that threats and intimidation are likely to be met, not by accommodation, but by intransigence. But the great significance of Safeguard, Mr. President, lies in its capacity to make mutual agreement more attractive to the Soviets than the prospect of continuing deployment—their offense versus our defense—on both sides. Safeguard, then, is a reason for agreement, an incentive to accommodation—a carrot and not a stick.

Mr. President, I yield back the balance of my time.

Mr. STENNIS. Mr. President, I judge that the proponents of the amendment would wish to use some time.

The VICE PRESIDENT. Who yields time? If no Senator yields, the time will be charged equally against both sides.

Mr. HART. Mr. President, how much time remains?

The VICE PRESIDENT. The Senator from Michigan has 5 minutes remaining. The other side has 7 minutes remaining.

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

THE VICE PRESIDENT'S SPEECH AT THE AIR FORCE ASSOCIATION LUNCHEON

Mr. FULBRIGHT. Mr. President, I have already stated my position on the amendment. I shall support it.

I would like to take this opportunity, however, to congratulate the illustrious and distinguished President of the Senate upon his most recent contribution to the folklore of American politics.

At noon today, before 2,000 members of an Air Force Association, the distinguished President of the Senate demonstrated once again his complete mastery of the art of character assassination.

On the third page of the transcript, which was handed me a short while ago, the President of the Senate had this to say. I may say that he was addressing his remarks to this great association as a tribute to the chairman of the Committee on Armed Forces of the other House.

I quote the distinguished President of the Senate:

Mendel Rivers has worked tirelessly, since coming to the Congress in 1940 to make the world a more peaceful place. For example, he has supported every effort to get Commu-

nism out of Southeast Asia, to get Russia out of the Middle East, and to get Senator Fulbright out of Washington. Many of the defense problems his committee copes with result from policies that came out of the Senate Foreign Relations Committee.

There are 15 members of the Committee on Foreign Relations and I thought they all would be very much interested in this great compliment from the distinguished President of the Senate.

The VICE PRESIDENT. The Senator's 2 minutes have expired. [Laughter.]

Mr. FULBRIGHT. I ask unanimous consent to have the entire speech printed in the RECORD.

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

REMARKS BY THE VICE PRESIDENT

I am proud and honored to take part today in this salute to the distinguished and incomparable Chairman of the House Armed Services Committee, L. Mendel Rivers. From personal observation, I can say that he is hardly effete.

I commend all of you who have come here today to honor Chairman Rivers. I don't know how they got a hall big enough for the occasion, because if they just invited one representative of all of the organizations of which he is an honorary member, we could fill the biggest hotel in town. He is the only man I know who has an honorary degree from the International College of Dentistry.

I told him one time, "You're never going to practice dentistry on me."

And he replied, "That's all right. I'm never going to play golf with you."

But the Chairman and I do have a common interest in the press. In fact, we both have to stay in public office for the sake of the national economy. The country could not afford the unemployment that would result among columnists and editorial writers if Mr. Rivers and I both left Washington.

Before proceeding any further, I would like to lay to rest the ugly, vicious, dastardly rumor that he is trying to move the Pentagon piecemeal to South Carolina. I have been to Charleston several times, and I have had it clearly explained to me that the military facilities so evident in that area are a testament of Mendel Rivers' unselfish willingness to allow his own First District of South Carolina to accept in the national interest military installations which just had to be put someplace. If there are any parochial interests involved, at least they do not encourage the North Vietnamese to continue their fruitless aggression.

When the Navy was desperate to find some place to put a Polaris repair facility, I am told, Mendel Rivers stepped forth and graciously volunteered Charleston, South Carolina.

When the Air Force simply had to find a place to put some of its C–141 airlift airplanes, Mendel Rivers again volunteered his home area.

When a home port was needed for the Atlantic Mine Force, again he came forward. While other Congressmen were fighting behind the scenes to prevent Congressional committees from cluttering up their districts with military installations, Mendel Rivers refused to lift a finger to block the construction of additional facilities in Charleston.

Even when it looked like Charleston might sink into the sea from the burden, Mendel Rivers' patriotic response was: "I regret that I have but one Congressional district to give my country to—I mean to give to my country."

Now who can ask more of a Congressman than that?

On the serious side, the Chairman has even been credited by some commentators with getting the Navy shipyard established at Charleston and with having the Marine Corps Recruit Depot placed at Parris Island, South Carolina. I'm sure this doesn't bother him—especially around election time—but historically accuracy requires us to note that the Navy Shipyard was established in 1901, four years before Mendel Rivers was born. Parris Island was established in 1891, 14 years before the burst upon the southern scene. I have great faith in the Navy and the Marine Corps, but I don't think they were clairvoyant about the birth of the future Chairman of the House Armed Services Committee.

And in fairness to the Chairman, who has heard many jokes about his alleged aggressive attention to his home district, a check of the records will reveal that there are other congressional districts in the U.S. with more and larger facilities. The stories just read better when they're about a chairman. It is of such stuff that myths are made.

What is not a myth about this man we are honoring today is his deep sense of patriotism his sincere dedication to the national defense of this country. I know of no one who stands more firmly behind the need for a strong American defense establishment or who is more determined to see that the guard we now maintain will not be dropped.

This is particularly important at a time when we are disengaging from a war in Southeast Asia and attempting to adjust our defense budget to a peacetime economy without sacrificing the ability to meet our worldwide obligations. We *must* strike a reasonable balance of requirements for our national security, pressing domestic needs, and the tolerance of our taxpayers in shouldering both burdens. The assistance of Mendel Rivers and those who follow his leadership in the Congress, is essential to the solution of this delicate problem.

Although the non-defense growth of our budget for the current fiscal year amounts to a 55 per cent increase since 1964—compared with a mere 7 per cent growth in the defense budget over 1964—there are sizeable and influential elements in both houses of Congress who feel we have not gone far enough in reordering priorities. Fortunately, we have leaders like Mendel Rivers in the House and John Stennis in the Senate who will stand with the Administration and declare, "That's as far as we go. America's security demands we do no less."

Mendel Rivers has worked tirelessly, since coming to the Congress in 1940 to make the world a more peaceful place. For example, he has supported every effort to get Communism out of Southeast Asia, to get Russia out of the Middle East, and to get Senator Fulbright out of Washington. Many of the defense problems his committee copes with result from policies that came out of the Senate Foreign Relations Committee.

Chairman Rivers is accused of being a hawk on Vietnam and he doesn't deny it. He is always referred to as the "powerful" chairman of the House Armed Services Committee. It's not an inappropriate adjective, but his committee members say he runs a democratic organization—with a small "d" of course.

Mr. Rivers is one who invariably watches the sunrise from his desk in the Rayburn Building and, by the time he gets home in the evening, the lights are on.

As a committee chairman, he sometimes drives aircraft technicians crazy. Airplanes are his hobby and when the Chairman starts talking about engine designations, thrust, aerodynamics, ranges, speed, lift capability, and drag effects, the witnesses who appear before his committee quickly realize they had better know the facts. The air mobility of our Armed Forces today is a living memorial to the efforts of Mendel Rivers.

Mendel Rivers knows that legislation is the art of compromise, and we in the Nixon Administration have sometimes felt the pressure of his bargaining. He has been well trained. He traces his training to three great universities—the College of Charleston, the University of South Carolina, and Vinson College. He served on the House Armed Services Committee with the late Carl Vinson, along with a number of others who later achieved varying degrees of national prominence.

One of the names I recall is Lyndon Johnson, who was elected to a high office. At least I think he was elected to high office. If I read a few more memoirs of Kennedy aides, I may find out he never existed at all.

One of the things that I admire so much about Mendel Rivers is his willingness to go to bat for the so-called Military-Industrial Complex. He has always had the courage to remind people that defense-oriented industry helped win World War II and that without it we would be in a real pickle today.

No man in Congress has done more to improve the Defense establishment and the people in it. Improved food, pay, clothing, shelter, medical care, promotions, equipment and bases have all received his personal attention. Every man in the armed forces is obligated to him for the automatic pay raises he receives.

Undoubtedly, of all the titles and honors he has received in a distinguished career, the one of which he is most proud is "Champion of the GI." And the GI's know he deserves it.

I will close with a true story that illustrates the point. Some of the troops returning from Vietnam recently under the Nixon Administration's withdrawal program were being interviewed.

"What did you pray for most when you were in Vietnam?" a young man was asked.

"I prayed that Mendel Rivers would live to be 150 years old because he is the one who really cares about us," said the GI.

Chairman Rivers, it sort of sums up a feeling of the 2,000 of us in this room. We salute you, Sir.

Mr. STENNIS. Mr. President, how much time have I remaining?

The VICE PRESIDENT. The Senator has 7 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I rise to say, first of all, that I support the committee in this measure. I believe that what the committee has done is judicious and careful, and represents the striking of a median position. It is a position which takes into account the concerns for the defense of the United States but does not undertake to go so far as to cause alarm in other countries; but serves notice that the United States expects to defend itself and to defend itself adequately.

If I may avert for a moment to the comment of the distinguished Senator from Arkansas (Mr. FULBRIGHT), I can only say that we hold our Presiding Officer in the highest regard. We think very highly of him, indeed; and the Constitution and the Bill of Rights preserve to him the same privilege to be heard, to express himself in language which is liable to be noted and quoted and commented upon, but language which is fully within the boundaries of debate and discourse.

I am pleased that the Senator from Arkansas was entertained and amused. I shall volunteer to continue that amuse-

ment on my own between the Senator from Arkansas and me from time to time as the occasion dictates or he gives me further opportunity.

Mr. KENNEDY. Mr. President, will the Senator yield to me for 1 minute?

Mr. HART. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 3 minutes remaining.

Mr. HART. I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, on a number of different occasions the proponents of the Cooper-Hart amendment have outlined in considerable and persuasive detail the reasons for voting for that amendment. But in the final hours the distinguished Senator from Washington and others are raising the vital question of whether we who are supporting this amendment are hindering the effort being made to halt the arms race.

The Senator from Kentucky made a persuasive point when he said if there is a request by our negotiators at the SALT talks to vote against the Cooper-Hart amendment, that request should be made available to all Senators and all Americans so that they might know about it. But there has been no such request.

The claim that Safeguard is required as a bargaining chip at the SALT talks is unfounded. The United States already has ample bargaining chips in 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 can massively increase our offensive strength. This is their incentive to negotiate meaningfully at Vienna and Helsinki.

I do not think, therefore, that we need Safeguard as a bargaining chip. But, in any event, the Cooper-Hart amendment does not deprive us of this chip. It permits phase I to go ahead at a cost of almost $1 billion for next year alone. Surely the planned deployment of phase I, which is far more extensive than the Russian ABM system, is sufficient to convince the Soviets that the United States will not allow its deterrent capabilites to be impaired.

The administration decision to go beyond phase I is remarkable in light of last year's ABM debates. Then we were told that phase I was a prototype system to be tested and proved out. Secretary Laird stated:

> To those who are concerned about whether the Safeguard system will work, I would only say let us deploy phase I and find out. Only in this way can we be sure to uncover all of the operating problems that are bound to arise when a major weapon system is first deployed.

So far we have found out nothing about phase I. Nevertheless the administration now insists on phase II. This is not "fly before you buy." This is the old Pentagon policy of "buy it, try it and, if lucky, fly it."

The technical defects of Safeguard are becoming clearer and clearer. It now appears that the Russians could almost certainly destroy the system's 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 dedicated hard-point defense. But they insist on pressing ahead with Safeguard—phases I and II—before the required research has been completed.

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 area-defense ABM's. Its mission has been altered by Pentagon decree: But this does not make the system effective.

Safeguard has been aptly termed a weapon in search of a mission. Vast scientific and technical resources have been dedicated to building a system even the Pentagon is not sure how to employ. It is tragic that we have not used these resources to accomplish such missions as the preservation of our environment and the improvement of our health care facilities.

It is particularly ironic that the Senate is being asked to vote in favor of a wasteful weapons system just 1 day after the President has vetoed the education and the housing bills on the grounds that they are too inflationary. The fact of the matter is: Military spending is the most inflationary of all Government expenditures because it does not provide any of the goods and services our citizens demand? Let us not make increased support for education and housing the scapegoat for an inflation caused largely by the continuation of the Indochina war and unnecessary weapon system in the defense budget.

Today the Senate can move the world a little further on the road to sanity. With one vote we can help halt the momentum of the arms race and help reorder our national priorities. We should not fail to take advantage of this opportunity.

Mr. STENNIS. Mr. President, I yield myself such time as I may require, and that will leave the remainder of the time to the proponents of the amendment.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I wish to answer one question that has come to me from a number of Senators and I know it is an honest question. That question is this: After all, with phase I and our present two sites, is that not enough? We are already in a war that several years ago high officials told our Preparedness Subcommittee was not likely to happen. They did not want another show of rifles; they did not want to make another strike for conventional bombs.

My humble opinion is that the protected silos and the Minuteman, and phase I with the two installations, are just not enough to carry out the purpose of protecting our ICBM's. It is just not enough to do the job. These figures are all classified but I find there has already been given the fact that Whiteman will add 40 percent to the number of protected silos we will have.

So I think we have to bear in mind that in just a few minutes we will reach a climactic vote, the key vote for this entire year's decision on the ABM. We have recognized by this amendment itself that we need an ABM and that we need to go forward. Of course, you do not touch phase I. The truth is we need phase I and we also need phase II. One stroke of the pen here will increase the capacity by 40 percent. I know everyone is most serious about this matter, but let us remember we cannot have a second chance insofar as time is concerned.

I believe we are going to go forward in the next 12 months with the same degree of development, which has been substantial, as we have in the last 12 months. In addition, we all know the SALT talks disturb the proponents of the amendment. Certainly that is part of the picture, as everyone knows.

I yield back such time as I have remaining.

Mr. HART. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 3 minutes remaining.

Mr. HART. Mr. President, I yield 1 minute to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I am against spending a cent for the defective Safeguard system. But since the Hughes amendment has been defeated, I shall, with great reluctance, vote for the Cooper-Hart amendment because it does at least limit spending for Safeguard.

In doing so, my vote should not be interpreted in any respect as approval of spending any money for Safeguard.

The VICE PRESIDENT. Who yields time?

Mr. COOPER. Mr. President, I yield 2 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, as a Senator representing a State where the ABM is in the eye of the storm, so to speak, I support the Cooper-Hart amendment because I think it goes at least 90 percent of the way toward what the President wants. He asked for a "blue chip" to help out our negotiators in Vienna. He is getting a diamond encrusted chip, in my opinion. The Cooper-Hart amendment seeks to agree to the full amount for phase I at Malmstrom, Mont., and Grand Forks, N. Dak.; and in addition to allow the approximately $350 million for continued research and development outside of the work going on in North Dakota and Montana.

It seems a little odd that every time we discuss the ABM, just before the vote

is taken some sort of secret telegram is made public surreptitiously, or some secret information is made available. I do not see why what has been said or written could not have been told to all Members of this body in time for all of them to understand.

So I would hope that the Cooper-Hart amendment will be carried, because I think it is in the best interests of the country, it will fund the full amount for phase I in North Dakota and Montana, and will carry on all the research and development that the administration needs.

Mr. COOPER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the Cooper-Hart amendment, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and if present and voting would note "nay."

The VICE PRESIDENT. The Chair will remind visitors in the galleries that, under the rules of the Senate, there may not be manifestations of approval or disapproval.

The result was announced—yeas 47, nays 52, as follows:

[No. 256 Leg.]

YEAS—47

Aiken	Hartke	Nelson
Bayh	Hatfield	Pastore
Brooke	Hughes	Pell
Burdick	Inouye	Percy
Case	Javits	Proxmire
Church	Kennedy	Randolph
Cooper	Magnuson	Ribicoff
Cranston	Mansfield	Saxbe
Eagleton	Mathias	Schweiker
Ellender	McCarthy	Smith, Maine
Fulbright	McGovern	Symington
Goodell	Metcalf	Tydings
Gore	Mondale	Williams, N.J.
Gravel	Montoya	Yarborough
Harris	Moss	Young, Ohio
Hart	Muskie	

NAYS—52

Allen	Ervin	Murphy
Allott	Fannin	Packwood
Anderson	Fong	Pearson
Baker	Goldwater	Prouty
Bellmon	Griffin	Russell
Bennett	Gurney	Scott
Bible	Hansen	Smith, Ill.
Boggs	Holland	Sparkman
Byrd, Va.	Hollings	Spong
Byrd, W. Va.	Hruska	Stennis
Cannon	Jackson	Stevens
Cook	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Long	Tower
Dodd	McClellan	Williams, Del.
Dole	McGee	Young, N. Dak.
Dominick	McIntyre	
Eastland	Miller	

NOT VOTING—1

Mundt

So the Cooper-Hart amendment, No. 819, was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, yesterday the junior Senator from Washington (Mr. JACKSON) made a statement on the floor of the Senate calling into question the views of a number of distinguished scientists who have testified on the ABM. Senator JACKSON based his statement on a letter he received on August 10 from Drs. Wohlstetter, Herzfeld, Libby, and McMillan. On the basis of this letter Senator JACKSON concluded that such respected scientists as Dr. Panofsky and the former science advisers to Presidents Johnson, Kennedy, and Eisenhower, had made an absurd error. I have already received telegrams from Dr. Herbert York, former head of research and engineering under Presidents Eisenhower and Kennedy, Dr. Marvin Goldberger of Princeton, who until recently was head of the President's Scientific Advisory Panel on Strategic Weapons, and Dr. Sidney Drell of Stanford University, who was also a member of the President's Panel on Strategic Weapons. I ask unanimous consent that their statements be included in the RECORD at the conclusion of my remarks because they authoritatively repute the assertions made by Drs. Wohlstetter, Herzfeld, Libby, and McMillan and put the weaknesses of the Safeguard ABM system in proper perspective.

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

LA JOLLA, CALIF., *August 11, 1970.*

Senator JOHN SHERMAN COOPER,
Washington, D.C.:

In the debate on the ABM Senator Jackson quoted a statement by Wohlstetter, Herzfeld, Libby and McMillan which supposedly contributed an earlier statement on ABM made by me and others familiar with this problem. The Wohlstetter calculations are misleading and irrelevant. The plain fact is that Safeguard is easily attacked and overwhelmed by a combination of SS9 and SS11 missiles. The phase 1 and phase 2 Safeguard deployments make very little, if any, difference in the number of Soviet SS–9 missiles needed to achieve any rational level of destruction of our Minuteman force in the event of an attack on it.

HERBERT F. YORK.

SAN DIEGO, CALIF., *August 11, 1970.*

Senator JOHN SHERMAN COOPER,
New Senate Office Building,
Washington, D.C.:

The statement submitted to Senator Henry Jackson on 10 August 1970 by Wohlstetter, Herzfeld, Libby, and McMillan is technically wrong and extremely misleading. Its criticism of a statement prepared under the auspices of the Federation of American Scientists which I and several others signed is based on a serious misconception.

Our statement asserts that quote even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats unquote. This point is unmistakably illustrated by the so-called Panofsky graph described in the Drell testimony before the Gore committee on 29 June 1970. Its correctness is in no way repeat in no way contingent on the assumption that the Soviet want to destroy only 700 U.S. Minutemen. In that graph the goal of preserving 300 Minutemen was chosen simply because the DOD position outlined in the Foster testimony before the Gore committee on 4 June 1970 was that quote it is important that a few hundred of the total one thousand survive and form a deterrent unquote. Whether the goal is to protect 300 Minutemen or only fifty our statement stands. No detailed technical analysis of projected Safeguard performance carried out in the Pentagon or by outside review committees supports the Wohlstetter contention that to destroy 950 Minutemen requires 800 more Soviet warheads than to destroy 700 Minutemen. Wohlstetter et al say that the FAS statement is careless. The Wohlstetter statement is not careless. It is purposefully misleading. I repeat the assertion in our FAS statement quote the protection offered by Safeguard for the Minutemen force is negligible.

MARVIN L. GOLDBERGER,
Professor of physics,
Princeton University.

PALO ALTO, CALIF., *August 11, 1970.*

Senator JOHN S. COOPER,
Washington, D.C.:

The statement submitted to Senator Jackson by Drs. Wohlstetter, Herzfeld, Libby and McMillan on Aug. 10th, entitled "Effectiveness of the Safeguard ABM System" is totally wrong as well as inconsistent with the Pentagon's own calculations of the Safeguard effectiveness.

The principal technical argument against Safeguard is that it will be effective over a very narrow band of threats. This is the substance of Dr. Panofsky's testimony as well as mine and is true independent of whether we analyze Safeguard's effectiveness in terms of the presumed Soviet strategic goal to destroy all but * * * in terms of a stated U.S. goal of 300 Minutemen surviving. The Pentagon's own calculations show that if we take the Soviet objective to be to destroy all but 50 of the Minutemen missiles, the development of the full phase II of Safeguard at all four Minutemen sites, which is one site more than proposed in this year's authorization, will force them to add to their attacking force at most several hundred warheads. This is considerably less than one-half of the number 800 claimed in Wohlstetter's statement. I cannot be more precise due to the fact that the official Pentagon calculations are classified, but I think it is important to be totally clear that, independent of any and all strategic assumptions, and based on the Pentagon's own official calculations as presented to the armed services committee in numbers in Wohlstetter's statement are misleading and a gross overestimate. Moreover, if one takes into account the vulnerability of the radars (MSR's) to the smaller SS–11, for which it has been reported that penetration aids are now being tested, the additional number required is insignificant. I note that the development of such penaids for the SS–11 is a much smaller technical step than the development of accurate counterforce MIRV's for the SS–9 as projected in the Wohlstetter analysis.

Wohlstetter's statement also claims that we can protect Minuteman more cheaply than the Soviets can overcome the protection. This is not even true using their calculations as to the number of additional warheads required to overcome Safeguard. The point is that the smaller, cheaper SS–11 which has no capability to destroy Minuteman silos can now destroy the single vulnerable MSR radar, protecting an entire wing of 150 missiles relatively simply and inexpensively by exhausting the interceptors. Moreover, the correct numbers show that the cost to us to defend a Minuteman silo with Safeguard is very much more expensive than the cost of Minuteman itself, as I testified on June 29, 1970 (p. 552, hearings of the Subcommittee on Arms Control, International Law and Organization) and this is true at any level of defense: Safeguard is very substantially more expensive than building more Minutemen.

Hardsite is an effective alternative to Safeguard which can be deployed if necessary. This can be done cheaply and rapidly against Soviet threats of the immediate future as I

testified by upgrading existing air defense systems in known ways. An advanced dedicated hardpoint defense, if vigorously developed during the coming year, can be available and can be effective if needed by the late 1970's.

Finally, I note that the only outside scientific and technical review made for the Pentagon of the Safeguard System (by the O'Neill panel on which both Dr. McMillan, a signer of the statement to Senator Jackson, and I served and whose report we both signed) concluded on the basis of both the cost and effectiveness of Safeguard that "if the only purpose of Safeguard is defined to be to protect Minuteman phase II–A, as defined in March 1969, it should not proceed."

SIDNEY D. DRELL,
Stanford Linear Accelerator Center.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from Arizona (Mr. FANNIN) is recognized for 30 minutes.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, if the Senator will yield, we would like to make an announcement that may be of interest to the Senate.

Mr. KENNEDY. May we have order, Mr. President?

Mr. STENNIS. May we have it quiet?

The VICE PRESIDENT. The Senate will be in order. The Senator from Arizona has the floor.

Mr. FANNIN. Mr. President, I yield to the majority leader.

PROGRAM

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Arizona for yielding to the distinguished majority leader. I would like to inquire of the majority leader now as to the continuing order of business. Is any amendment pending and ready, or what does the majority leader plan for today and the rest of the week?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is my understanding that the distinguished Senator from Massachusetts (Mr. BROOKE) has an amendment which he will offer, and on which he would agree to an hour's limitation, if that would be satisfactory to the manager of the bill.

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

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. On an amendment right on this subject—and the Senator from Massachusetts has one that has this subject right at the heart of it—for myself, I could safely agree to an hour of debate on each side right now, and then vote. I think that would be ample time.

Mr. JACKSON. One hour altogether?

Mr. BROOKE. One hour on each side.

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I dislike making this request, but I would appreciate it if the Chamber could be cleared of unauthorized personnel; and I would hope that the Senate as an institution and Senators individually would take that in the right spirit.

The PRESIDING OFFICER. The Sergeant at Arms is directed to clear the Senate Chamber of all unauthorized personnel.

Mr. RUSSELL. Mr. President, there is so much disorder in the Chamber that I can scarely hear the majority leader, although I am closer to him physically than any other Member of the Senate.

The PRESIDING OFFICER. The Senate will be in order. Unauthorized personnel will please leave the Chamber.

Mr. MANSFIELD. Mr. President, it had been hoped that it would be possible to reach an agreement on the amendment to be offered by the distinguished Senator from Massachusetts (Mr. BROOKE); but, unfortunately, because of factors over which no one has any control, it seems not possible to do so at this time. I anticipate, therefore, that the distinguished Senator from Wisconsin (Mr. PROXMIRE) will call up an amendment which will become the pending business after the distinguished Senator from Arizona (Mr. FANNIN) and the distinguished Senator from California (Mr. MURPHY) complete their remarks.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. Before Senators leave, we have such a magnificent attendance that I wish we could vote on any amendment concerning the ABM; but if we cannot, we will have to move on with the rest of the bill. There are many amendments, most of which can be disposed of in relatively short time, I believe, if we have a good attendance. Perhaps we can agree to an hour on a side on some amendments and 30 minutes to a side on other amendments. Then will come the McGovern amendment, on which I think there is the prospect of a very reasonable agreement as to time. If we do not get started on the shorter amendments, we will be here week after week.

Mr. MANSFIELD. I agree with the distinguished Senator from Mississippi, who himself has been most patient, most considerate, and most gracious. Too often has delay been occasioned by actions of many individual Senators. It is too bad that that is the case.

I intend to leave the city tomorrow. I will be gone over the weekend. I want it thoroughly understood that during my absence no votes be held up or delayed in any way. I think we all should take our chances, and no Senator should ask for any special consideration for any purpose. The business of the Senate comes first. If we are not here, it is up to us to take our chances.

I have some further comments to make.

Mr. SCOTT. Before the Senator does, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I want to concur and indicate that a great deal is being said about the desirability to adjourn Congress, the importance of getting the business done, and then every time the majority leader and the minority leader try to work out some amendment, somebody has a different idea, which of course we must respect. If this is to continue, I suspect that we will be here, to use the British phrase, until "the 17th of never."

I think it is really high time that we buckle down, get to work, get these amendments out of the way, and have some mutual concern for the problems of each other so that we can be here. I intend to be here, and I intend to take my chances if I am not here.

I think it is important that we get down to business and give a better impression to the country, if we want to do something around here except talk interminably and forever.

Mr. MANSFIELD. Mr. President, it is my understanding that the House will tomorrow take up the bills which have been vetoed by the President of the United States. At least one, I understand, will be taken up, perhaps both. If the President's veto is sustained, of course, there will be nothing for the Senate to do in respect to either bill. But if the President's veto is overridden on either or both of these bills, it would be the intention of the joint leadership, in conjunction with and with the approval of the chairmen of the committees concerned and the ranking minority members, to call up such a measure or such measures as may be available on Tuesday next and, if need be, on the Wednesday following.

These are privileged matters. The Senate should be informed. Agreement has been reached. Everybody is on notice accordingly.

Furthermore, I would like to comment on the equal rights amendment, which I understand was considered in the Committee on the Judiciary this morning. An informal understanding was reached providing that there would be public hearings—three, I believe—on this joint resolution, which passed the House yesterday, but that it would not be reported until September 19. Speaking personally, I think this is too long a delay. I wish it could be reported the day after Labor Day or 2 days after that. That should be plenty of time. The public hearings can be held in the meantime and questions can be threshed out.

The Senate has passed this joint resolution twice already. So when anybody refers to 47 years, I wish he would absolve the Senate, because we did face up to this problem.

I hope it would be possible for the Committee on the Judiciary, to report the measure before the 18th of September—and have it available on the 8th or 9th of September, so that on our return from the Labor Day recess we could take it up. It could not be considered before that time because all time will be devoted to the pending business and on the appropriation bills which will be forthcoming.

That is the legislative situation as I see it at the moment.

Mr. SCOTT. The Senator has expressed my views, also.

UNANIMOUS-CONSENT AGREEMENT

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

Mr. MANSFIELD. I yield.

Mr. BENNETT. I have heard the majority leader's announcement about the intention of the distinguished Senator from Wisconsin to call up an amendment. Is it the majority leader's thought that we will vote on that amendment this evening?

Mr. MANSFIELD. Will the Senator enlighten the Senate?

Mr. PROXMIRE. I would prefer to vote on this amendment at a time certain tomorrow, if that is acceptable to the majority leader. I think this is an important amendment, and it should be fully discussed. I suspect that the Senator from Arizona and the Senator from California are going to speak at some length tonight. It might be rather late.

Mr. MANSFIELD. Mr. President, are any Senators scheduled to speak tomorrow after the two Senators, who will take about an hour?

Mr. President, I ask unanimous consent that at the conclusion of the speeches by the two Senators, ending at approximately 11 a.m. tomorrow, there be a 1-hour time limitation, the time to be equally divided, and that at 12 noon the vote come on the amendment which will be pending.

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

The unanimous consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote at 12 o'clock noon, August 13 on the Proxmire amendment (No. 808) with the time (1 hour) before the vote to be equally divided between the proponent of the amendment and the manager of the bill, the Senator from Mississippi (Mr. STENNIS).

Mr. MANSFIELD. That is the situation as I see it. The Senate is on notice.

Mr. SCOTT. Therefore, we do not expect any votes between now and noon tomorrow. Is that correct?

Mr. MANSFIELD. That is correct.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and 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.

Mr. PROXMIRE. Mr. President, I call up my amendment 808 and ask unanimous consent that reading of the amendment be dispensed with. I shall explain it when I get the floor at a later time.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with, and the amendment will be printed in the RECORD at this point.

The text of the amendment is 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 sections 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, construction, 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 the human environment.

(6) The sale or disposal of dangerous substances or devices whose use could significantly affect the quality of the human environment.

ESTABLISHMENT WITHIN THE DEPARTMENT OF COMMERCE OF A NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. MAGNUSON. Mr. President, after 4 years of study both inside and outside of Government, a proposal is now before the Congress which would establish within the Department of Commerce a National Oceanic and Atmospheric Administration. After careful review of the Reorganization Plan No. 4 submitted by the President on July 9, 1970, I wish to state both my support for the proposal and the hope that my colleagues in the Senate will join in allowing this agency to be created so that the Nation can move ahead with the exploration and development urgently needed for the intelligent use of our marine resources.

As a result of the Marine Resources and Engineering Development Act of 1966 a study of all aspects of marine science was undertaken by a Commission on Marine Sciences, Engineering, and Resources, headed by Dr. Julius Stratton. I was privileged, together with the senior Senator from New Hampshire, to serve as a congressional adviser to this Commission, and I know of the dedication and skills of those men from the academic and business community as well as from Government. The final report of the Commission, "Our Nation and the Sea," which was issued in January 1969, focused national attention on the marine environment and recommended the establishment of a new independent agency dealing with oceanography and the atmosphere. Subsequently, a great deal of attention was given to this issue by Senator HOLLINGS' Subcommittee on Oceanography and by the Oceanography Subcommittee of the House Committee on Merchant Marine and Fisheries. Similar studies were carried out by the administration. Of the various alternatives suggested, the President's decision was to recommend the creation of NOAA within the Department of Commerce.

The reorganization plan before the Congress differs from the recommendations of the Stratton Commission in only two major aspects. It does not call for an independent agency and it does not incorporate the Coast Guard.

I do not believe these two exceptions should be allowed to detract from the other merits of the proposal and I do not think we can afford the further delays that would surely result from a rejection of the plan.

The major element of NOAA, the Environmental Science Services Administration, is already located in the Department of Commerce. This agency would comprise 73 percent of NOAA's budget and 83 percent of its personnel. It provides as well the solid base of science and technology which the Stratton Commission emphasized must serve as the common denominator for accomplishment in these areas. The national data buoy program would be transferred from the Coast Guard and with respect to the need for other Coast Guard components there is an excellent background of cooperation between ESSA and the Coast Guard.

Approval of this plan will provide an important first step in enabling this Nation fully and wisely to use and understand the oceans and the atmosphere. Wisely administered, NOAA will greatly enhance the quality of our environment, our security, our economy and our ability to meet increased demands for food and raw materials. Senator HOLLINGS has already testified before this Subcommittee of the Committee on Government Operations in support of Reorganization Plan No. 4 and I am pleased today to join in that support. I am confident the Secretary of Commerce will give to NOAA the support and backing which are absolutely essential if the visions and hopes of the Stratton Commission are to become a reality for the Nation.

Mr. President, here are some answers to questions and some of the charges that have been made regarding this matter:

What would be the basic function of NOAA?

To describe, predict, explore, develop technology, and generate greater understanding of the oceans and atmosphere. ESSA, which would comprise over 80 percent of NOAA and which is already in the Department of Commerce, was assigned many of these tasks when President Johnson submitted Reorganization Plan No. 2 in 1965. At that time he said:

> ESSA will then provide a single national focus for our efforts to describe, understand and predict the state of the oceans, the state of the lower and upper atmosphere and the size and shape of the earth . . . Establishment of the Administration (ESSA) will mark a significant step forward in the continual search by the Federal government for better ways to meet the needs of the nation for environmental science services. The organization improvements will permit us to provide better environmental information to vital segments of the nation's economy . . . to agriculture, communications and industry, which continually require information about the physical environment. They will mean better services to other Federal departments and agencies . . . to those that are concerned with . . . the management of our mineral and water resources, the protection of the public health against environmental pollution, and the preservation of our wilderness and recreation areas.

In establishing the component agencies of NOAA, the administration has come very close to meeting the recommendations of the Marine Science Commission headed by Dr. Julius Stratton and established incidentally by President Johnson. The only basic differences are the omission of the Coast Guard from the new agency, and placing it in Commerce instead of making it an independent agency. Mr. Stratton and other key officials of the Marine Science Commission have endorsed the reorganization plan.

Charge: The Department of Commerce is not an agency to be entrusted with protecting the oceans and atmosphere from pollution.

Answer: The Department of Commerce is, and has been for some time, a multiservice agency with general purpose responsibilities in science and technology. Examples are the National Bureau of Standards, whose services extend across lines to all Federal agencies, the Census Bureau whose activities contribute to the programs of virtually every department of Government, and the Weather Bureau whose services serve a much larger constituency than just Commerce. By the same token there are many interests with vital stakes in the oceans and atmosphere: transportation, agriculture, conservation, resource development, and, of course, protection of environment. The latter is one of many concerns, albeit a most important one. There are already certain environmental responsibilities in the Commerce Department. ESSA, for example, works very closely with HEW in monitoring and measuring air pollution. In fact, there are bills before the Congress which would make air pollution reporting a daily required function of the Weather Bureau.

To suggest that the Commerce Department will exploit marine resources without regard to long range interest in conservation is to accept an earlier image of the Department which is not accurate today. Secretary Stans has pointed out that the Department regards economic development in a much more sophisticated manner than merely to exploit today and forget tomorrow.

Charge: Is Commerce not generally thought of as the agency of exploitation of resources, while Interior, for example, is thought of as the agency of conservation?

Answer: That may be true from a certain historical perspective, but by the same token was not this agency of conservation the same agency that issued the oil leases at Santa Barbara, Calif., which resulted in disastrous oil spills?

Charge: Yes, but I also recall that Secretary Hickel moved swiftly to make those oil leases subject to intensive scrutiny in an effort to protect the ecology of the area.

Answer: So you are saying that an earlier image of a department, any department, should not be locked in concrete, that, in effect, there can be a more enlightened policy. If this can happen in Interior can it not also happen in Commerce with the increasing recognition today that economic development cannot proceed without long-range consideration of the impact on environment.

Charge: We should reject the reorganization plan putting NOAA in Commerce and develop new legislation which will insure that the agency responsible for the ocean and atmospheric environment will protect and not exploit that environment.

Answer: Let us be realistic. Both the Congress and the Executive Branch have been working for 4 years to develop a comprehensive program for the oceans. Beginning with the formation of the Stratton Commission, its recommendations, intensive hearings and consideration on the oceanographic subcommittees of both House and Senate, studies within the executive branch and, finally, culminating in the President's submission of a reorganization plan creating NOAA in the Department of Commerce. To reject this proposal, endorsed by every major study group commissioned by the Congress, is to wipe out any chance for significant progress within the foreseeable future. Let us be realistic. There is no utopian organizational chart which will satisfy all the competing demands of various groups and special interests. There is only one ocean and one atmosphere. We have before us a plan which for the first time will give us the tools to deal with a significant challenge. If we reject this proposal we will lose years of work, and in effect be right back where we started.

Charge: Since EPA has been proposed as the new super Environmental Protection Agency, protection of the ocean environment and atmosphere from pollution should be assigned to that agency.

Answer: This ignores the basic differences between EPA and NOAA. EPA is basically a standard setting and enforcement agency, period, and it will have basic authority in both areas over land and sea. But to achieve these objectives it will have to draw heavitly on NOAA, whos responsibilities include developing technology for measuring, predicting and monitoring but also for the development of marine resources. Before EPA can be effective in its standard setting and enforcement task, it must first have a good information base. We have to first understand, for example, what materials are being dumped in the oceans, what alternatives there are for those materials, what materials are harmful, and what the ocean can absorb which are not harmful. We have to learn what the diffusing characteristics of the ocean streams are, and what the tolerance is of various life forms to the various things that man puts into the ocean. Then we can and must develop standards for what the ocean can tolerate and here, after NOAA has contributed to our information base, is where EPA will be expected to set standards and enforce them. But EPA is a regulatory body and as such it should not be concerned with resource development. NOAA will have this operational responsibility. It would make no sense at all to put the same agency, EPA, for example, both the operating and regulating responsibilities. To do so would be to have EPA regulating its own developmental programs. These functions are clearly separated in the two reorganization plans.

Charge: When you say resource development, do you not really mean exploitation for the profit of the few against the benefits for the many?

Answer: I do not quite understand your use of the term "resource development." To me resource development can apply very well to our food-from-the-sea program, to new sources of nourishment for the poor, a program which has long-range potential of providing long-range sources of food for an ever-increasing population.

Question No. 6: In his fact sheet on the reorganization plans, President Nixon said that one of the major reasons for EPA is that it "will insulate pollution-abatement standard setting from the promotional interests of other departments." Why should this same reasoning not apply to our Federal responsibilities in the sea? What will the relationships and delineations be between NOAA and EPA? What environmental functions will NOAA perform?

Answer: The reasoning that pollution-abatement standard setting should be insulated from the promotional interests of other departments is consistent with the concept of NOAA being placed in the Department of Commerce. We would expect EPA within its authority to set necessary pollution-abatement standards for the seas. NOAA will monitor, observe, try to understand and predict the physical environment of the air, oceans, and the live resources of the seas. NOAA intends to work closely with EPA in the same fashion that ESSA does today with the Department of Health, Education, and Welfare on air-pollution problems. ESSA monitors and predicts air-pollution potential for the air-quality control regions which in turn implement control actions.

Question No. 7: As I read the basic statutory authority of the Secretary of Commerce, it directs the Department to promote economic development of re-

sources. Yet on page 7 of your statement you say that an NOAA in Commerce will permit the development of the resources of the sea "while guarding against the thoughtless exploitation that in the past laid waste to so many of our precious natural assets." Specfically how will NOAA perform the environmental function? Would you not need new legislative authorities to do this job? Will you seek them?

Answer: The Department regards the protection of our oceanic and atmospheric environment as essentially a two-step process. For example, we must first understand what types of materials are being dumped into the ocean, whether or not they are harmful, and what materials the ocean can absorb which are not harmful. Once we have acquired accurate data on what man is doing to the ocean and what his alternatives are, we then can develop pollution abatement standards. We regard the collection of data as primarily the task of NOAA and the setting of pollution standards based upon such data as primarily the task of EPA. At present we have sufficient legislative authority for the mission assigned to NOAA.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Arizona (Mr. FANNIN) is now recognized for 30 minutes.

A CONSTITUTIONAL AMENDMENT ON A BALANCED BUDGET

Mr. FANNIN. Mr. President, just as it has for decades, the debate continues over whether it is the President of the United States or the Congress that is responsible for the chronic imbalance of the Federal budget. Again this year the administration has proposed what it estimates to be a responsible and balanced budget. Here in these Chambers we have added, and subtracted, juggled, and rearranged the administration proposals. Citizens have reason to be confused as Congress adds millions to various appropriations bills while claiming to cut the President's budget.

After several decades of deficit financing, it is evident the only certain method of ending this confusion is through a constitutional amendment such as the one I discussed on the floor 2 weeks ago. This amendment would require that Congress approve budgets which, over a period of 2 years, would be in balance.

This amendment should have the support of both those who back the President's position and those Members of Congress who contend they have done a responsible job in revamping the President's requests.

My comments 2 weeks ago certainly did not mark the first time such a constitutional amendment has been discussed in the Senate.

In the 1950's a constitutional amendment along these lines was proposed by Senators Harry F. Byrd, Sr., of Virginia, William Langer, of North Dakota, CARL T. CURTIS, of Nebraska, and H. Styles Bridges, of New Hampshire, who at the time was chairman of the Appropriations Committee. Senator CURTIS continued to pursue the issue in the 1960's.

The amendment was needed then; it is even more desperately needed now.

Three objections have been raised against previous proposals. First, it was argued that previous amendments had technical faults that made them unworkable. Second, there was the contention that such a measure would not be enforceable. And, finally, some officials feared a constitutional amendment would impose procedures that would be relatively inflexible.

These objections can be overcome.

Mr. CURTIS. Mr. President, will the Senator from Arizona yield at that point?

Mr. FANNIN. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I want to commend the distinguished Senator from Arizona for taking the lead in this matter. It is evident that the country will not go on a pay-as-you-go basis until, through a constitutional amendment or otherwise, we are forced to such a system.

Throughout the years that I have been interested in this subject, I have found no one opposed to a balanced budget, but they always said, "Not now. Wait until next year."

Certainly, if we believe in the programs for which we vote, we should believe in them to the extent that we are willing to pay for them.

I think it is just as wrong to charge the current costs of running the Government to our children and grandchildren as it is for us to refuse to pay our grocery bills, to skip out on a hotel bill, or to beat any other bill. It is just plain dishonest.

I commend the Senator from Arizona for bringing this subject to the attention of the Senate. Throughout the months and years since I came to the Senate, I have known many meetings going on to advocate this and that kind of program, but I have never heard of the leadership of the Senate calling a meeting to discuss how we could balance the budget or how we could stop this terrible trend toward deficit spending.

This year, the interest on the national debt will reach $20 billion.

Thus, I heartily commend the distinguished Senator from Arizona for what he is doing. He is doing something that is for the good of all the people of this great country.

Mr. FANNIN. I thank the distinguished Senator from Nebraska. I know there is not a person in the body who has greater expertise in this field than he. His accomplishments over the years are well known in the field of fiscal responsibility. Certainly his timing on the different programs has been commendable. I appreciate very much what the Senator from Nebraska has just said.

Mr. BELLMON. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. I yield.

Mr. BELLMON. I have read the speech of the Senator from Arizona and have discussed this matter with him. I agree wholeheartedly with the objective the Senator is striving to achieve.

I came to the Senate after having served as Governor of Oklahoma, just as the Senator from Arizona has served as Governor of Arizona, and I was amazed to realize that the handling of financial matters by State governments is much more responsible when compared to the system, rather, the lack of system, as used at the national level.

In Oklahoma, we know very well that any time we vote to spend more money, we must immediately find the source for that money. That seems to temper the desire of the legislature or of the Governor to spend more money, because we recognize that unless a program is worthy and meets the desire of the voters of the State, our actions will not be popular.

But here in the Nation's Capital, to my great surprise and amazement, there seems never to be any discipline, just merely voting for all these good things and giving little or no consideration to the money that will be needed to pay for them, so that at the end of the year we go into debt and no one who voted for this or that program feels any pain.

As the Senator knows, some months ago, I introduced S. 4056, a bill to develop a system of fiscal stabilization for the Federal Government, which hopes to accomplish a similar objective to the one the Senator from Arizona has in mind. I am therefore very proud to join the Senator in this effort and to work with him to try to get the U.S. Government on a sound fiscal basis, and end the policy of borrowing to pay for the cost of Government operations.

Once more, I commend the Senator from Arizona and say to him that I will do all I can to help.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Oklahoma. I know of his splendid record as Governor of the great State of Oklahoma and that he used his expertise and ability in this field very well in bringing about balanced budgets in his State. Of course, that is a necessity so far as any State is concerned. It is a requirement in my State of Arizona as well.

Thus, I appreciate his remarks and will welcome his support of my amendment. I called upon him for assistance in writing the amendment, to be sure that we had the right language.

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

Mr. FANNIN. I am very pleased to yield to the Senator from Wyoming.

Mr. HANSEN. It was my privilege to know the distinguished Senator first when he served as Governor of the great State of Arizona.

I think that those Senators who have served as Governors of their respective States will agree with me that that experience is, indeed, a most useful one to have, because most States, unlike the Federal Government, have to present balanced budgets.

In my State of Wyoming, we have laws which absolutely prohibit the operation of the State government on a deficit. With that sort of background it is not unexpected that the distinguished Senator from Arizona would be the strong cham-

pion he has been, and is now, for a system of fiscal responsibility.

As a member of the Finance Committee, I have noted and highly approved the actions he has taken from time to time in order to see that this Government, insofar as he is able to do so, will be operated on a balanced budget. That is not an easy course to take. It is not an easy position to maintain. But it is one that the distinguished Senator from Arizona has staked out, with no inconsiderable courage, for all of us who choose to follow in this remarkable fashion in Congress.

I am pleased to join with my colleagues in paying tribute to the Senator from Arizona.

Mr. President, I compliment my good friend and distinguished colleague from Arizona for the leadership he has shown in this matter. I support him in his proposal and hope that the Congress will pursue this matter and face up once and for all to its monetary and fiscal responsibility.

The proposal, which has been suggested here today, would put an end to the practice by Congress in the last 40 years of financing its expenditures through the medium of an interest-bearing charge account that is never paid.

There are those who say that the United States has never faced as many problems of a domestic or national nature as we do today. Perhaps this is a valid statement; however, there can be little doubt that many of the problems which we face today are directly or indirectly related to fiscal irresponsibility which has been this Government's course of action for many years, previous to this administration.

Inflation is said to be the No. 1 problem facing the United States and this Congress. Despite this fact, the Congress persists in pursuing its annual practice of spending more money than it receives.

One of the many things that Americans could always be proud of is that America, more than any other country, historically had the reputation for not spending more than it could pay for. As a result, for almost 150 years we had a reasonably stable dollar, which in turn, contributed to the maintenance of a stable government.

But during the 35-year period which has passed since the Federal Government opened its multi-billion-dollar interest-bearing charge account, the value of the American dollar has been cut dramatically.

Recently, the Senate Finance Committee on which I serve held hearings on H.R. 17802 which later passed the Senate and was signed into law. This bill authorized raising the national debt ceiling from $365 billion to $380 billion.

It was pointed out that from 1966 to 1969, actual Federal funds expended exceeded actual Federal funds received by $44 billion. The Federal deficit for 1970 alone is about $11 billion.

Since 1947 we have seen the national debt ceiling raised from $275 billion to the current limit of $395 billion. Since 1960, the ceiling has been raised from $295 billion. These, Mr. President are sobering figures.

I share the belief of my good friend from Arizona that the time has come to take steps to halt the unlimited spending by Congress. The time has come to take a look at just what course we, as Members of Congress, are leading the Nation. The time has come for the United States to once again adopt a policy of fiscal responsibility.

It is my belief that our domestic as well as our international iterests demand that we adopt a system to provide for a "pay as you go" government rather than a "pay as we went many years ago" government.

It is my pleasure to support my friend the distinguished Senator from Arizona, in this proposal and I commend him for the initiative he has taken in this regard.

Mr. President, because of its applicability, I commend the most recent bulletin of the Council on State Chamber of Commerce—dated today, August 12, 1970—and entitled "Progress Report on fiscal 1971 Budget Actions," to the attention of my Senate colleagues.

Mr. President, I ask unanimous consent that a bulletin from the Council of State Chambers of Commerce entitled "Federal Spending Facts" be printed at this point in the RECORD.

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

PROGRESS REPORT ON FISCAL 1971 BUDGET ACTIONS

In completing action on the Second Supplemental Appropriation Bill for 1970, the Congress on June 29 enacted a phony limitation on spending in the 1971 fiscal year. Under this limitation the ceiling on 1971 budget outlays was set at $200.8 billion, which is the amount provided in the original 1971 budget submitted to Congress by President Nixon last February. This ceiling, however, grants flexibility to the President to the extent of $4.5 billion unanticipated outlay increases for uncontrollable items. Moreover, it places no constraints on the budget decisions of the Congress itself.

The limitation on 1971 spending provides that whenever any action or inaction by the Congress on budget proposals affects budget outlays, the spending ceiling shall be adjusted accordingly. Thus the present limitation is quite similar to the limitation enacted a year ago which proved to be completely ineffective in controlling fiscal 1970 spending. That ceiling started at $191.9 billion plus $2.0 billion additional for uncontrollable items, but it was eventually adjusted to a ceiling of $199.9 billion.

That the present spending limitation will be just as ineffective as the one enacted last year is clearly evident from Congressional budget decisions to date. These decisions include actions on 1971 appropriation requests, action on legislative bills with "backdoor" or mandatory spending authorizations, and inaction on legislative proposals in the budget that are intended to reduce spending.

RESULTS OF APPROPRIATIONS ACTIONS TO DATE

The House has passed all of its regular appropriation bills for 1971 except for the Defense bill. In acting on these 14 bills the House considered appropriation requests in the aggregate amount of $68,393 million and approved $67,821 million for an apparent reduction of $572 million. Actually, however, the effective House cut was only $322 million because the reductions included a $250 million meaningless cut as noted below.

Senate actions on six of the House-approved appropriation bills resulted in a net increase of $2,718 million above the $31,554 million budget requests considered in these bills. In these same bills the House approved $651 million above the requests if the $250 million meaningless cut is not counted.

In five appropriation bills which have cleared Senate-House conference action and have been sent to the President for his signature, the Congress voted $990 million above the aggregate requests of $23,805 million in these bills. A summary of the major appropriations changes made so far by the House and Senate follows:

Education.—The House approved $320 million more than the President requested in the Education bill and the Senate voted $816 million above the requests. Senate-House conference agreements resulted in a net overall increase of $453 million above the total request of $3,967 million. Major increases included $232 million for elementary and secondary schools, $126 million for the Federal-impact programs, and $110 million for higher education programs.

Independent Offices-HUD.—In this bill, covering numerous independent agencies and the Department of Housing and Urban Development, the House voted a net increase of $173 million and the Senate approved $1,187 million more than the President requested. After conference action, the total appropriation provided in the bill was $18,655 million which is $541 million above the amount requested. Increases included $350 million additional for urban renewal programs, another $350 million increase for basic water and sewer facilities grants, and $105 million more for veterans medical care programs. These and some lesser increases were partially offset by reductions in other items.

Agriculture.—An apparent net reduction of $82 million was effected by the House in the Agriculture bill. This is misleading, however, because the House action included a cut of $250 million in appropriations to reimburse the Commodity Credit Corporation for prior year losses on farm price support operations. It will not affect C.C.C. operations or outlays and is virtually meaningless. Thus, in reality, the House approved $168 million more than was requested rather than having cut the request by $82 million.

The Senate restored the $250 million House cut in C.C.C. funds and voted $727 million above the $7,748 million requested by the President in this bill. A major part of this increase resulted from Senate approval of $1,750 million for the food stamp program as compared to the 1971 request of $1,250 million and the 1970 appropriation of $610 million. Conference action on this bill is still pending.

Other bills passed by both Houses.—In addition to the foregoing appropriation bills, the Senate as well as the House has passed the Interior Department, the Legislative, and the District of Columbia appropriation bills for 1971. The budget requests in these three bills total $2,370 million from which the Congress cut $11 million.

Senate floor action was pending at time of this writing on two other House-passed bills—Treasury-Post Office and Public Works-AEC. In these bills the House considered appropriation requests aggregating $8,308 million and made a net reduction of $100 million. This cut will probably be less after completion of Senate and conference action on the bills.

Foreign assistance.—The House considered appropriation requests totaling $2,877 million of which $1,813 million was for economic aid grants and loans. It cut $575 million from the bill, including a reduction of $537 million in economic assistance. An $80 million appropriation recommended by the Appropriations Committee for the Peace Corps was stricken from the bill on a technicality during House debate, but it or a slightly changed amount will be restored by Senate and conference

action. Senate debate on this bill is not expected for some weeks.

Military construction.—House action on $2,135 million requests in this bill resulted in a reduction of $138 million. Senate action on the bill is unlikely before September.

State-Justice-Commerce.—The House considered approximately 100 line items in this bill and made modest cuts in more than half of them. These cuts from aggregate requests of $3,244 million totaled $137 million. Senate action at an early date is expected.

Labor-HEW.—In acting on requests in this bill totaling $18,732 million, the House approved a net increase of $93 million. A larger increase by the Senate is likely.

ACTION ON LEGISLATIVE BILLS EXCEEDING THE BUDGET [1]

The House and Senate have taken action on a number of legislative bills which provide for spending that cannot be controlled by the appropriation process. Some of these bills provide for so-called backdoor spending which is subject to control of the President, and others result in mandatory expenditures which cannot be controlled by either the Congress or the President without amending or repealing the legislation.

As of July 28 Congress had enacted two bills with backdoor spending authorizations of $780 million in excess of the budget. One is the emergency home financing bill for which the President requested $250 million and Congress approved $1,000 million of backdoor financing. Another is a land and water conservation bill which the President did not request and which authorizes $30 million for 1971.

In the mandatory spending category Congress has enacted two veterans benefits bills which authorize $230 million above the budget for education assistance and additional life insurance. A third mandatory spending bill providing increased compensation benefits for veterans was approved by the House and Senate and sent to the President on July 30. This bill will add $226 million to the 1971 budget. Also, Congress voted postal employees pay increases as a part of the postal reform bill which will cost $108 million above the budget in 1971.

The Social Security revision bill, H.R. 17550, which passed the House in May and is pending in the Senate Finance Committee, would result in $1,500 million more cost to the Social Security program in 1971 than the budget estimate. Senate action is unlikely to reduce this additional cost.

ACTION ON LEGISLATIVE PROPOSALS TO REDUCE SPENDING [2]

One of the major proposals in the 1971 budget for holding down budget expeditures was an increase in postal rates effective by July 1, 1970. This would increase postal revenues which are offset against postal expenditures in determining the budget cost of postal operations. Congress did not enact separate postal rate legislation, but in the postal reform bill it provided for approval of future rate adjustments by the Board of Governors of the Postal Service. It is not expected, however, that rate adjustments will be made effective before January 1, 1971. The President's proposed rate increases would produce $1,568 million in 1971, so if his proposals are made effective next January 1, the revenue gain in 1971 would be only one-half that amount or $784 million. Thus net budget expenditures would be increased $784 million.

In addition to the postal rate increases, the President proposed a number of other legislative measures in his 1971 budget for reducing spending. If none of these measures were enacted, the budget would be increased more than $600 million. So far the Congress has acted on only one of the proposals—authorizing the sale of surplus strategic and critical materials in the amount of $180 million. The proceeds from these sales are recorded as offsets against expenditures. If no further action is taken on the President's economy proposals, the budget will be increased by well over $400 million.

EFFECTIVE SPENDING LIMITATION NEEDED TO PREVENT LARGE DEFICIT

From this review and analysis of Congressional budget actions in the current session it is apparent that the President's budget for 1971 will be substantially exceeded unless strong spending restraints are applied in the weeks ahead.

Some Congressional leaders, including Senate Majority Leader Mansfield, have expressed the view that Defense appropriations would be reduced enough to offset increases in popular domestic programs. President Nixon and Defense Secretary Laird argue, however, that further reductions in the Defense budget beyond those already made by the Administration could only be made by cutting essential military needs. Chairman Mahon of the House Appropriations Committe has also expressed doubts that large sums can be cut from requested Defense appropriations.

On May 19 last, the Administration released revised budget estimates for 1971 showing outlays at $205.6 billion—an increase of $4.8 billion from the February 1970 budget estimate. This revised estimate took into account only a small part of the budget increases reflected in this analysis. Indications now are that Congressional budget actions and inactions on economy proposals could bring the 1971 outlay total to $208 billion. Also, increases of as much as $2 billion above current estimates for uncontrollable items could raise outlays to about $210 billion.

The Treasury's latest estimates of 1971 receipts is $204.3 billion. This total includes $3.1 billion from new tax proposals—a tax on lead used in gasoline and a speedup in payment of estate and gift taxes—which were not contemplated in the original 1971 budget. Staff experts of the Joint Committee on Internal Revenue Taxation, however, estimate 1971 receipts at only $201.1 billion if all of the President's revenue proposals were enacted on schedule. If just the two new proposals were rejected by Congress, as now looks probable, the receipts total according to the Joint Committee staff estimate would be only $198 billion.

On the basis of the above figures—$208–$210 billion outlays and $198 billion receipts—a 1971 deficit of $10–$12 billion is a distinct possibility. At this late stage of the session the only practical means of sharply reducing this prospective deficit from the spending side of the budget would be an effective expenditure limitation. That would be a limitation applicable to both the Congress and the President, and with exceptions for only the clearly uncontrollable items. Such a spending ceiling was enacted by Congress in 1968 with respect to 1969 expenditures and it helped to produce the first and only budget surplus since 1960.

President Nixon has called on Congress to enact an expenditure limitation of this type to bring spending under control. It is now up to the Congress.

Mr. HANSEN. Mr. President, all of us are most grateful to the distinguished senior Senator from Arizona. I for one, along with others I know, will be supporting him and helping him as he seeks to achieve this most laudable objective.

Mr. FANNIN. Mr. President, I certainly thank the distinguished Senator from Wyoming. He has a splendid record as Governor of his State. I know that he lived under the same restrictions that we should live under in the U.S. Congress.

There are restrictions in his State, as there are in many of the other States of the Nation.

One of the technical problems has been the fact that it is difficult to make accurate forecasts about the revenue picture for a fiscal year which will not end until some 18 months after the President submits his budget to Congress.

Critics say that because of economic uncertainties, it is virtually impossible to guarantee that a budget will be in balance each and every year.

One way to remedy this is to require that the President and Congress strive for balanced spending and revenue over a 2-year period. By using Budget Bureau reports along the route, Congress could trim programs or increase revenues to balance out each 2-year period.

What would happen if at the end of a 2-year period the Budget Bureau were to report a deficit? Then, Congress would be required to take action to make up the deficit before it could pass any further appropriations bills. This provides an enforcement feature while adding to flexibility. Of course, the amendment should enforce itself through the psychological effect. This is one reason I am proposing it as an amendment rather than as a bill which Congress could repeal at any time.

The amendment would be a mandate from the people since it not only would be passed by Congress but ratified by the State legislatures. I feel certain the people want their government to practice fiscal responsibility—just as individual citizens and businesses must. Putting this issue before the legislatures would provide the people a chance to reaffirm this belief.

Most Governors and legislatures live under fiscal restraints much, much more rigid than what we are suggesting for the Congress and President. Along these lines, I am sending letters to Governors of the States asking for their counsel on this matter.

Mr. President, I request unanimous consent to place in the RECORD the text of this letter.

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

DEAR GOVERNOR: Your thoughts would be appreciated on a proposed amendment to the Constitution of the United States I will introduce shortly that would provide for a balanced budget in the aggregate over a period of two years.

The amendment I am proposing would require the Federal government expenditures in a period over two fiscal years be limited in the aggregate to the Federal government's income. At the end of the first fiscal year, the Bureau of the Budget would report on the budget, and, if not in balance, the Congress would be obligated to raise revenues or decrease expenditures in the following fiscal year in order to bring the aggregate of both years in balance.

Two exceptions are provided: first, in the case of a declared war, and second, in event of a presidentially-declared emergency.

The need for such an amendment is amply demonstrated by the record. Deficit spending which was inaugurated in an effort to

[1] Data from 1971 Budget Scorekeeping Report of the Staff of the Joint Committee on Reduction of Federal Expenditures—Report No. 8 as of July 28, 1970.

[2] Ibid.

overcome the 1929 depression and was further accelerated during World War II and the Korean conflict has continued over the years. The Congress invariably has failed to balance appropriations with tax revenue and there has been deficit spending continuously since fiscal 1960. For fiscal 1970, the budget deficit was $2.9 billion and trends in business and actions in Congress point to a substantial increase of the deficit in the year ending next June.

There is almost unanimous agreement that uncontrolled Federal spending sustained by deficit financing is the major cause of the inflation threatening our economic stability today. In addition, the rapid decline in the purchasing power of the dollar endangers the United States as the financial leader of the free world.

The amendment I propose would not mean an end to those needed social programs which presently consume such a large percentage of governmental income nor would it cripple our ability to provide for the national defense. Rather, such an amendment would mandate an exacting appraisal of the appropriation bills as they are presented.

The Congress would be compelled to hold their appropriations and the executive department its expenditures within the amount of revenue produced.

The future of our nation depends upon our ability to meet our fiscal responsibility.

Governor, I will appreciate your comments on this constitutional amendment, especially since eventual success of the amendment would require ratification by three-fourths of the states.

Cordially yours,

Mr. FANNIN. Mr. President, I thank the Senator from Wyoming for his remarks.

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

Mr. FANNIN. Mr. President, I yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I commend the Senator from Arizona for his initiative in what I consider to be a very vital area.

Congress from time to time, of course, is largely responsible for deficit financing and deficit spending.

In my State of Kansas we have what is known as a cash basis law. We are not permitted to spend money if we have a budget that does not balance.

I would say, as the distinguished Senator has said, that this idea has been considered before. It has met with widespread approval.

I believe it is the height of responsibility that Congress in a period of deficit financing consider a constitutional amendment that would require that over two fiscal years that expenditures of the Federal Government be limited in the aggregate to the Federal Government income.

I would imagine that many Members of Congress make speeches in their States about spending and the need to stay within our income. From time to time we find, particularly in the last decade, a long, sustained period of deficit financing.

I am pleased to join with the Senator from Arizona.

Mr. DOLE. Mr. President, one of the great strengths of the American people over the years has been an almost universal thriftiness and recognition of the need to match personal expenditures to personal income. Living within one's means has been a principal tenet of American life. It would not be an exaggeration to say that the American commercial empire, which is the envy and model of the rest of the world, had its foundations in the households where prudent spending with a careful eye on the bank balance was the rule. Not only did such households instill these habits in their children, who grew up to be businessmen and managers, but the savings they accumulated and put into stocks helped build the giant corporations which created our economy. In business, just as in personal affairs, the limits of incomes and spending have been recognized and heeded.

With all this tradition of thrift and sensible spending in American life, it has been mystifying and troublesome to millions of citizens that the Federal Government has totally ignored a balanced budget and the perils of deficit spending for the greater part of the past 40 years.

Responsibility for Federal spending in the red has passed back and forth and been shared by the executive and legislative branches. Currently, it is the Congress which is seeking to increase Federal expenditures beyond expected revenues, but for most of the past decade both Capitol Hill and the White House were drafting budgets from the same red inkwell.

The distinguished senior Senator from Arizona (Mr. FANNIN) has called attention to this dangerous and irresponsible practice repeatedly during Senate debates. His proposal today is made even more timely by recent congressional actions which have ballooned appropriations measures to such dimensions that the President has been forced to veto them in the interests of economic stability and responsible Government. It should be noted that before the Congress began slashing Federal revenues and expanding appropriations, President Nixon had proposed and submitted a balanced budget for the coming fiscal year. A modest surplus was even forecast. Now, however, all hopes for retaining that balanced budget have been dashed by the Congress, and only such severe measures as the veto have any hope of curtailing the deficit which is now inevitable.

A constitutional requirement for a balanced budget would be a great service to the public, and Senator FANNIN is to be commended for proposing it. The legislative history of such a measure in the 1950's and 1960's indicates that a workable and responsible amendment can be drafted, and I urge swift action to prepare such a draft and submit it to the Congress and the American people.

Mr. FANNIN. Mr. President, I express my appreciation to the distinguished Senator from Kansas for his remarks in support of this fiscal responsibility program.

The Senator from Kansas has a great record in both the House of Representatives and in the Senate for following the same principles that he has stated here.

The Senator has worked for fiscal responsibility and very successfully so in both Houses of the Congress, I appreciate his support of the program which I think is very necessary.

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

Mr. FANNIN. I yield.

Mr. GURNEY. Mr. President, I commend the Senator from Arizona for submitting this constitutional amendment which would require a balanced budget.

Everybody talks about fiscal responsibility, but no one does anything about it. Certainly this year, above all years, when we have galloping inflation on our hands everywhere and when everyone knows that the inflation has been caused by expenditures on the part of the Government, and especially because of Congress spending more money than the Government takes in.

There could not be a more appropriate time at which to do this.

We have seen this year in bill after bill that has come from the executive departments, the appropriation of hundreds of million of dollars more being added to the bill in this very Chamber.

I do not think that we will ever get fiscal responsibility unless we are forced into it.

The amendment submitted by the Senator from Arizona (Mr. FANNIN) would require that Congress live responsibly. It would prevent them from spending more money than the Government takes in. It would require a balanced Federal budget.

I certainly think that it is long overdue and much needed.

I commend the Senator for offering his amendment at this time.

Mr. FANNIN. Mr. President, I express my appreciation to the Senator from Florida. I am very thankful that the distinguished Senator from Florida does support this type of fiscal responsibility.

Certainly the record of the distinguished Senator from Florida would indicate that his convictions have been carried through in this respect.

I have been proud to observe the work of the Senator from Florida both in the House and in the Senate. He has certainly devoted much time and effort to the carrying out of his convictions. I am very pleased that he has seen fit to speak in favor of this program.

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

Mr. FANNIN. I am very glad to yield to the distinguished senior Senator from California.

Mr. MURPHY. Mr. President, I, too, would like to commend the distinguished Senator from Arizona for bringing forward this amendment. I think in the light of the important actions taken here today that 2 of the most important things that have taken place, certainly in the last decade, for the future security of this Nation have occurred today in this Chamber.

We have just had a vote on an amendment and on a military basis we have decided to continue the Safeguard missile to provide what we believe is a very much needed system with which to protect the security of America.

Now on a different, but just as important, front I think that the Senator from

Arizona has brought forth an amendment that is certainly just as important in maintaining the security of our economy.

Many of us talk about stopping inflation and balancing the budget and restoring the purchasing power of the dollar. I have talked about this matter endlessly.

I think that the Senator's amendment will do more to restore the permanent value and the purchasing power of the American dollar than anything that has happened, certainly since I have been a Member of the Senate.

I compliment him most highly and join with him enthusiastically and offer my support for whatever it is worth on the passage of the amendment.

Mr. FANNIN. Mr. President, the distinguished senior Senator from California, one of the largest States in our Nation, is very much aware of the problems of Government and the financial problems that come about from the unrestricted spending of money.

Of course, as a very successful businessman over the years, he knows that we must not spend more than we take in. This is exactly what we propose to stop by this amendment.

I am very proud to have the distinguished Senator from California join with me in this program.

Mr. President, we are putting the necessary flexibility into the amendment we are working on. During the Eisenhower administration, Secretary of the Treasury Humphrey praised the purposes of the amendment proposed at that time, although he said the resolution had shortcomings.

Here is what the Treasury Secretary said in a letter to the House Committee on Government Operations on April 13, 1953:

MY DEAR MR. CHAIRMAN: Further reference is made to your requests for the views of the Treasury Department on House Resolution 2 and House Joint Resolution 22.

The former would provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress. The latter would impose an expenditure limitation of $65 billion for the fiscal year 1954.

The Treasury Department is in sympathy with the principle of statutory guidelines for bringing expenditures and revenues into balance. The Department would, however, recommend against the relatively inflexible expenditure ceiling provided for in these bills.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

G. M. HUMPHREY,
Secretary of the Treasury.

Mr. President, the amendment we are working on would not set any expenditure ceiling such as the one Secretary Humphrey found objectionable.

It would provide an "escape clause" which would rest in the hands of the President rather than Congress. Suspension of the mandatory budget balancing would be allowed in the event of a war or when the President certifies there is a grave national emergency. This escape clause will have to be tight enough to prevent uncalled-for use by any spendthrift administration, but loose enough to deal with a bona fide national crisis. In addition, the certification of a national emergency would have to be renewed each year by the President to remain valid.

Thus we overcome many of the objections to previous proposals which were called too restrictive.

Yet, Mr. President, we must place some restrictions on Federal spending. Our Founding Fathers could not have conceived that our Nation would reach the point where deficit financing had become almost a way of life, or at least a way of government.

In the early days of our Nation it was relatively easy to figure out how much money would be coming into the Federal Treasury. And there was not the myriad of appropriations measures to complicate any attempt to total up proposed expenditures.

The issue of balancing the budget has not been and is not now a partisan matter. The late Senator Harry F. Byrd, Sr., for years advocated a single appropriations bill. Three times this proposal was approved by the Senate, only to die in the House. While the new constitutional amendment I envision would not require Congress to use a single appropriations bill, the effect would be the same. It should put an end to the helter-skelter process of breaking requests for new appropriations into a dozen or more unrelated bills which may be acted on separately over a period of 6 months or more. Congress would have to look at the cost of all Federal programs and compare the grand total with realistic projections of revenue.

It would not necessarily mean that Federal programs would be dropped or cut back. Congress would have the option of raising taxes to produce the revenue to continue or expand Federal programs.

Members of Congress would weigh carefully whether their constituents want more Federal programs and higher taxes, or fewer Government programs and lower taxes. Federal spending would come under the close public scrutiny it should have. This, truly, would put our national priorities in perspective.

Unbridled spending undermines confidence in the U.S. dollar abroad. At home, runaway spending by Government feeds an inflation that robs the industrious and responsible citizen. Inflation rips at the fabric of our Nation and aids that very, very small but deadly minority who would see our Nation slide into anarchy under an avalanche of economic chaos.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from California is recognized for not to exceed 30 minutes.

S. 4233—INTRODUCTION OF A BILL TO MOBILIZE INTERNATIONAL EFFORTS TO STOP THE NARCOTIC TRAFFIC

Mr. MURPHY. Mr. President, I introduce today a bill on behalf of Mr. PACKWOOD and myself. A similar but not identical measure was introduced in the House by Congressman BILL MAILLIARD of California. Our bill will provide for a needed program of international cooperation to deal with the worldwide drug problem.

Last year 950 people died from narcotics abuse in New York City alone. One-fourth of these deaths occurred among youngsters less than 20 years old. More than one-half of all narcotics deaths occurred among young people less than 25 years of age. In fact, narcotics abuse in New York City is now the leading killer of people in the 15- to 35-year-age bracket—ahead of accidents—excluding car accidents—murders, suicides, and cancer. These 950 deaths are double the figure for 10 years ago.

In September of last year, the New York Times did a study of the narcotics problem. This disturbing article estimated that there were over 100,000 heroin users in New York and estimated that addicts might be stealing as much as $2.6 billion a year since in property to support their habit.

Is New York City a unique case? Unfortunately not. An estimate, believed much too low, reports a 30-percent increase in drug addiction over the last 10 years, and more people are becoming addicts at an earlier age. Drug arrests in 1960 numbered 1,583. By 1967, the number of arrests totaled 13,904. FBI reports indicate that arrests for heroin violations alone have risen 120 percent in the last 4 years. Mr. John Ingersoll, of the Bureau of Narcotics and Dangerous Drugs, has indicated that there has been a 300-percent increase in heroin seizures between 1965 and 1968 and a 250-percent increase in seizures of hallucinogens since 1965.

The seriousness of the drug problem in the United States prompted me in testimony before the Senate Subcommittee on Alcoholism and Narcotics field hearings in Los Angeles to warn that the drug problem has reached "epidemic proportions" and that drug abuse represents a clear and present danger to the country. At that time I cited California statistics which indicated the seriousness of the problem in my State. In California, the magnitude of the drug problem can be seen by the growing number of drug arrests. In 1968—6,400 adults were arrested—a figure representing a 65 percent increase over 1967—and a 200-percent increase over 1960. Juvenile arrests totaled 29,947 in 1968—a figure representing a 115-percent increase over 1967 and a 2,000-percent increase over 1960. In California in 1967 there were over 2,000 more arrests for marihuana violations than in the previous 6 years combined. The drug abuse phenomenon is not only a problem in the major cities. For example, Bakersfield, Calif., reported 10 cases of heroin overdose in the last 2 weeks of May.

Mr. President, I ask unanimous consent that the full text of my testimony be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MURPHY. Mr. President, the problem of drug addiction and illegal drug traffic, and accompanying increases

in related crimes, are not unique to the United States or even to North America. It has reached "epidemic proportions" worldwide. A leading Italian psychologist claims that 30 percent of the young people between 14 and 22 in Rome are using some kind of drug. Authorities in Sweden and Czechoslovakia report that drug abuse has reached "alarming proportions." Vladimir Kusevic, Director of the Division of Narcotic Drugs of the Economic and Social Council of the United Nations, reported in May 1969 that narcotic drug abuse "continues to spread throughout all continents and in certain regions had begun to assume epidemic proportions."

We in the United States are dealing with what a top U.S. narcotics agent calls the bane of our national existence. It is a scourge shared by much of the world. What can we do about it? President Nixon has initiated and urged that an all-out effort be launched to combat the flow of illegal narcotics into the United States.

The administration launched Operation Intercept, now called Operation Cooperation, a massive crackdown on drug traffic coming across United States' borders. The administration has submitted to the Congress legislation to further accelerate our country's battle against drugs and to protect the public from the illicit diversion of drugs from legitimate channels and to make certain that there is greater accountability of drugs from the Nation's pharmaceutical companies. This measure, the Controlled Dangerous Substances Act, was passed by the Senate on January 28, 1970, and is now pending in the House. This is priority legislation dealing with a priority problem, and I would hope that early and favorable action will be taken by the other body on this measure. This legislation is a needed tool for a successful national effort. It is also important that we give the administration the needed manpower to stop this drug traffic, particularly the manpower demands resulting from Operation Intercept. The administration requested only 357 new positions, and these were needed to help the Bureau of Customs to keep abreast of its continued workload increases. Even including the new numbers of positions requested, the customs employment will only equal approximately its employment level under the Coolidge administration.

It is admitted that there has been neglect in this area for many, many years.

Unfortunately, the House is acting on the 1971 appropriations bill for the Treasury Department eliminated 170, or nearly one-half, of the administration's requests for new manpower. On May 10, I wrote to Senator YARBOROUGH, chairman of the Senate Appropriations Subcommittee on the Departments of the Treasury and Post Office, urging restoration of the $1.6 million cut by the House for the Bureau of Customs. I ask unanimous consent, Mr. President, that my letter to Senator YARBOROUGH be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. MURPHY. Mr. President, the administration is doing more than just adding new manpower; it is using modern technology and transportation. For example, the Bureau of Customs will make more extensive use of planes. In 1969, the Bureau used its one plane to make 25 arrests, seize over 4,000 pounds of marihuana, 12 pounds of heroin, 2 pounds of cocaine, 11 vehicles, and three aircraft. Air smuggling is just one area of rapidly increasing modernization of smuggling techniques. Other smuggling is done by ship, and the Bureau will increase its use of ships in surveillance of our coastal waterways.

But the Customs Bureau has the responsibility for policing hundreds of border crossing points and literally thousands of miles of docks, wharves, and seaport coastal areas, as well as many international airports. The number of persons passing through these checkpoints, the fantastic quantities of goods, and the expertise of those attempting to do the smuggling makes this an almost impossible task. More than increased customs personnel is needed to remedy this threat to the national safety and well being. It is important, and the most effective method is to eliminate drugs at their source. For this reason, the administration has spent considerable time, money, and expertise at all levels to encourage the suppliers of these drugs to cut back or eliminate the production of opium, marihuana, cocaine, and other dangerous drugs. The sources of the drugs are fairly well known. For example, 80 percent of the illicit heroin sold in this country is grown in Turkey and processed in France. Most of the rest comes from Mexico, with only a small percentage originating in the Burma, Thailand, Laos area.

The U.S. Government, through diplomatic channels, has attempted to reach bilateral agreements with the countries who are the suppliers of narcotics. We should continue these efforts. The drug problem, of course, is a multifaceted problem. Often the producers of illegal narcotics are also producing narcotics for the legal market. Oftentimes they can earn more from the illegal sale than they can from the legal marketplace. Many times opium production is their only livelihood, and often they know nothing but opium production. So, a way must be found not only to stop the illegal production of narcotics but also to find a substitute income for those who raise it. For if we can solve the problems of the small farmers who earn their living from opium crops, we will have taken a giant step toward curtailing the illegal international supply.

Similarly, the United States is once again faced with problems in attempting to obtain local enforcement of narcotics control agreements in foreign countries. The major illegal narcotics dealers are often wealthy and important citizens. Often they have their own police forces. In any case, they usually have more money than the local governments, either to buy off the government inspectors, or to buy a safe route out for their products. Sometimes major government figures are involved. In the case of some Middle Eastern countries, safe passage for drug dealers reportedly is assured in return for intelligence information on enemy states.

This is an area in which bilateral arrangements between the United States and various countries frequently are not enough. A bilateral agreement, for example, with a nation to stop drugs coming into the United States is of little value if such nation continues to allow the narcotic drugs to reach a third country from which such drugs flow freely into the United States. Thus, this is an international problem run by an international criminal element, with an effect on the people of all countries, and having a multinational origin. It is an area requiring additional international cooperation and reinforced efforts by international organizations.

We have an international organization, the United Nations, and that international organization has a bureau to watch over and control narcotic traffic, the Commission on Narcotic Drugs, and the International Narcotics Control Board. And we have an international treaty on narcotic drugs, the Convention on Narcotic Drugs of 1961. In describing the value of the convention in its report to the Congress of May 3, 1967, the Senate Foreign Relations Committee stated:

> The 1961 single convention is the culmination of more than 55 years of effort and progress in the field of international narcotics control. It embodies the fundamental principles of control which have evolved during this time; namely, that the production and use of narcotic drugs should be restricted to medical and scientific purposes, that their manufacture and import should be limited to quantities necessary for such purposes, and that every step from the cultivation of the basic raw materials to the final retail distribution of the manufactured drug should be carefully regulated and supervised. Mutual obligations among States based on these principles have been undertaken in the past and are evidenced by a series of separate multilateral agreements. These various agreements bind states to establish national control agencies, to license persons and establishments engaged in handling narcotic drugs, to submit periodic reports to international agencies, to control exports and imports by authorizations, and to do many other things. The single convention, however, for the first time brought these obligations together in one instrument commanding wide acceptance among states, and this is a fundamental reason for accession.

While this international convention outlines the methods which ought to be followed in the production, exportation, importation, storage, and packaging of narcotics, its strength lies in the cooperation of the signatory powers. I think worldwide conditions today indicate that it has just not been implemented, and is not working the way it should. The United States has ratified this international agreement, as have 79 other nations including France, Turkey, Mexico, Burma, and others. Unfortunately, paper support and active support are two entirely different and unrelated matters. It is for this reason that I have chosen to introduce this measure which promises to increase the active support of the United States in the international con-

trol of drug traffic, and hopefully will inspire other nations to cooperate in this needed activity.

This bill pledges that not less than 10 percent of the U.S. fiscal 1971 appropriations for voluntary contributions to the U.N. development program be spent to establish a multilateral fund to be used to support activities designed to bring an end to the illegal international traffic in narcotics. It directs the President to support effective multilateral undertakings aimed at the eradication of illegal production and traffic in narcotics through U.S. representatives to international organizations, including the United Nations. It directs the President to support the strengthening of those powers presently given to the United Nations concerning narcotics, to include investigation and publication of information relating to illegal production and traffic in narcotics, and a further convention concerning production and traffic in synthetic drugs, the so-called psychotropics.

Finally, this bill directs the President to withhold U.S. assistance to nations which refuse to cooperate with the U.N. programs or with the United States aimed in the suppressing of illegal narcotic traffic. The bill requires that—

The President shall withhold assistance from any country which the President determines has refused (A) to cooperate with the United Nations or its agencies in carrying out programs to suppress international traffic in narcotics or (B) to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully.

The President, however, if he determines the furnishing of U.S. assistance to such countries is in our national interest, is not required to suspend such assistance.

This flexibility is provided in the bill for obvious reasons. Obviously, Mr. President, there is an urgent need for a more stringent control of the international production of and trade in narcotics and psychotropics. There is an urgent need to increase the powers of the international organization best suited to control the narcotic trade—the United Nations. This would seem to be an area where the United Nations could do a great deal of good in the world, and by so doing, gain considerable stature.

Mr. President, there is urgent need for this bill, and I hope the Foreign Relations Committee will accept it and take early and favorable action on it.

We are in a situation of epidemic proportions, not only in the United States but in many other nations. The physical health, the moral stamina, and the well-being of our Nation are being destroyed, and I urge the Committee on Foreign Relations to accept the bill and act on it posthaste.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4233) to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to cooperate with such international organizations, or refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes, introduced by Mr. MURPHY (for himself, Mr. PACKWOOD, and Mr. FANNIN), was received, read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MURPHY. Mr. President, I ask unanimous consent that an article entitled "Deaths Attributed to Narcotics, Mainly Heroin, Increase Here," written by Lawrence K. Altman and published in the New York Times of June 21, 1970, be printed in the RECORD.

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

DEATHS ATTRIBUTED TO NARCOTICS, MAINLY HEROIN, INCREASE HERE

(By Lawrence K. Altman)

Deaths from the epidemic of narcotics abuse are still rising from the highest levels in the city's history—with no abatement in sight.

Narcotics, chiefly heroin, now is the leading killer here in the 15-to-35 age group, according to statistics provided by the office of the Chief Medical Examiner.

About one-fourth of the 950 narcotics deaths in 1969 occurred among teen-agers and 53 per cent among those under 25 years of age. These percentages are about double what they were 10 years ago—meaning that more addicts are now dying at younger ages.

Through last Friday, at least 377 persons of all ages have died here this year from narcotics abuse. Pathologists at the medical examiner's office say they suspect this total will increase substantially after autopsy material is analyzed in greater detail. At this time last year, about 315 deaths were reported but subsequent analysis increased the total by 100.

Because narcotics death totals include not only those who died from "overdoses" but those who succumbed to medical complications directly related to drug abuse, some people here wondered whether this rise has been a statistical phenomenon reflecting a new reporting system.

However, pathologists in the medical examiner's office emphasize the sharp rise in heroin deaths is real. These pathologists said that heroin deaths, which have occurred among all socio-economic classes, do not represent a new phenomenon here or in this country. Rather, they represent an exacerbation of a chronic problem.

Doctors at the medical examiner's office, which has an international reputation for its contributions to medicine and society, said that in reporting narcotic deaths they applied the same criteria they had used in the last two decades. Since 1950, these pathologists have performed autopsies on all narcotics deaths. Previously—and particularly earlier in the century—many cases were not investigated as thoroughly.

Though these doctors say, and others agree, that identification of narcotics deaths here probably is the best of any city in the country, they appreciate that not every addict death gets reported and that some narcotics deaths escape diagnosis.

Not only must these experts in forensic, or legal, medicine find evidence of substantiating the use of narcotics in the deceased but these pathologists must also exclude other diseases before certifying narcotics as the cause of death. The doctors say they do not tabulate cases in which the diagnosis of narcotics abuse is unclear.

Some of the key points on heroin deaths made in interviews with Dr. Milton Helpern, chief medical examiner, and his deputy, Dr. Michael M. Baden, and by other physicians in medical journal articles are the following:

Among people 15 to 35 years of age in New York City, preliminary data for 1969 show that the 770 deaths from narcotics exceeded those from accidents (570), homicides (525), suicides (345) and cancer (420).

A total of 4,203 individuals died from narcotics abuse in the nineteen-sixties compared with 1,067 deaths from this cause in the previous decade.

About 42 per cent of the deaths in 1969 occurred in Manhattan. A decade ago, 75 per cent of the city's narcotic deaths occurred in that borough. Health officials interpret this change as a reflection of the spread of narcotics abuse in all socio-economic groups.

The heroin problem is endemic to New York City residents. Victims are not visitors or transients. About 55 per cent of the victims are Negro, 25 per cent white and 20 per cent Puerto Rican.

Of the total heroin deaths in 1969, males outnumbered female victims about 5 to 1.

The vast majority of deaths result from "overdose," though doctors do not have a clear understanding in each case of the mechanisms that cause this fatal reaction soon after injection. Medical complications from unsterile injections of heroin—such as tetanus, heart infections, hepatitis and brain damage—account for most of the other cases.

Although heroin deaths have become a major and growing problem for health officials, their involvement with the consequences of heroin addiction dates back at least four decades.

During heroin's infancy as an addiction problem here, Dr. Helpern uncovered an epidemic of 136 cases of malaria among the patients he autopsied from 1933 to 1943. Further investigations determined that these malaria cases occurred among heroin addicts who, by sharing needles, had transmitted this parasitic infection to each other.

Not only did recognition of the epidemic allow physicians to save the lives of many other addicts, but, Dr. Helpern said, "addicts and those who prepared the drug mixtures soon learned that quinine was a cure and preventive of malaria and began adding it as a diluent of the heroin mixtures."

The bitter-tasting quinine stopped the malaria outbreak in the heroin addicts. At the same time, city health officials learned that heroin had replaced morphine as the chief narcotic used by addicts.

By 1950, heroin had reached high school students here.

"With the opening of schools in September, 1950, the School Health Service was soon forced to wage a totally unprepared for, but full-scale, war," the late Dr. Harold Jacobziner wrote in 1953 in the American Journal of Public Health, "against the problem of teenage narcotic usage in the school population."

PEAK INCIDENCE AT 16

During a two-year period, doctors vertified 167 student users of narcotics among all races and socio-economic groups. Highest incidence was at age of 16 years.

"The rate among vocational high school students was 17.74 per 10,000 of the school population," Dr. Jacobziner wrote, "as compared with a corresponding rate of 2.28 in academic high schools and an overall school population rate of 1.53." He estimated these cases to represent one-fourth of the true incidence at that time.

Now, reports indicate that heroin is being used not just among high school students in New York City, but among young people throughout the country.

Drug abuse, an editorial in the current Science magazine said, "is now a plague that is spreading to the suburbs."

Wherever it is used and whatever the age of the user, heroin can kill—either by overdose or through a medical complication from

the unsterile method by which the drug is taken.

"Each shot is potentially fatal and each could be the last," Dr. Baden said, because the bags of heroin are distributed by so many different middlemen that the individual may get a varying quantity each time he uses it. If the next dose contains larger doses of heroin than the user has customarily taken, it can be his last—as the death statistics demonstrate vividly.

When the user injects contaminated heroin or uses a dirty needle, he sets himself up for infection such as with bacteria or viruses. Bacteria, for example, may cause an abscess where the abuser has "skin-popped" and leave a circular scar. Bacteria may spread from such abscesses or, if "mainlined," go directly to any of the body's organs such as the heart.

There, bacteria may destroy any of the heart's four valves that are vital for normal cardiac function. Destruction of a valve can lead to acute heart failure and quick death unless treated properly with antibiotics and, as is often necessary, by open-heart surgery.

Such heart infections, called bacterial endocarditis, may occur in persons who are not drug abusers. But in 1968, for example, Dr. Baden reported that 12 of the 32 deaths from this cause here occurred among addicts. Doctors successfully treated many other patients with this same condition.

Tetanus, now a preventable disease, has been a complication of narcotics abusers since the first such case was reported in 1876. Tetanus as a killer of addicts has dropped from 8 to 2 per cent over the last 20 years. Yet the vast majority of tetanus cases here are among addicts.

Most tetanus victims, Dr. Charles E. Cherubin of Harlem Hospital has reported, are Harlem females. Because women's veins often are not prominent and therefore are inaccessible for intravenous injections, females are more apt to "skin-pop"—a practice more likely to produce a tetanus-prone-wound than intravenous "mainlining."

Dr. Cherubin said he suspected that the quinine, added to heroin to prevent malaria, facilitated growth of tetanus bacteria and their production of the lethal tetanus toxin. This toxin, not the bacteria, causes "lockjaw."

Dr. Cherubin, accordingly, has stressed the need for preventive tetanus immunization programs in all institutions treating narcotics abusers.

Among other complications are emboli, or clumps of clotted blood or bacteria, which can break away from the veins or heart valves where they form and then lodge in organs, such as the brain, causing paralysis and death—in effect, "strokes" at a very early age.

Now, some doctors have discovered that nerve and spinal damage may result from heroin abuse.

The list of complications reflects a medical textbook, and the costs of treatment can be enormous for society, if not for the individual.

In diagnosing narcotism as the cause of death, the medical examiner's office considers the over-all picture—history of the patient's past medical illnesses and drug use if any; a physician's examination of the scene of the death and the circumstances surrounding it; the autopsy examination, with particular attention devoted to a search for scars left from needle punctures; and, as an aid but not an absolute criterion, toxicologic studies for evidence of the narcotic in the victim's blood or organs.

Inscribed at Dr. Helpern's office is a quotation that, translated from Latin, reads:

"Let conversation cease, let laughter flee. This is the place where death delights to help the living."

EXHIBIT 1

TESTIMONY OF SENATOR MURPHY BEFORE SENATE LABOR AND PUBLIC WELFARE SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS, LOS ANGELES, CALIF., SEPTEMBER 27, 1969

Mr. Chairman, first I want to welcome the Subcommittee to California. Earlier this year—I wrote to Senator Yarborough—the Chairman of the Senate Labor and Public Welfare Committee—and after the new Special Subcommittee on Alcoholism and Narcotics was created—to Senator Hughes urging that hearings be held in California on the drug problem. I therefore appreciate very much the Subcommittee coming to California.

The hearing today focuses on a subject which has reached epidemic proportions and which is foremost on the minds of Californians—the growing use and abuse of drugs. Frankly, Californians are deeply alarmed and—rightfully angry—over this problem.

In California the magnitude of the drug problem can be seen by the growing number of drug arrests.

In 1968—6,400 adults were arrested—a figure representing a 65 per cent increase over 1967—and a two hundred per cent increase over 1960.

Juvenile arrests totaled 29,947 in 1968—a figure representing a 115 per cent increase over 1967 and a two thousand per cent increase over 1960.

In California in 1967—there were over two thousand more arrests for marihuana violations than in the previous six years combined.

These statistics dramatically demonstrate the drug problem has reached the crisis stage. Even more alarming than the numbers is the fact that the average median age for drug arrests keeps getting lower and lower.

At one time, marihuana, for example, was a phenomenon of citizens in the ghetto areas and certain jazz musicians. More recently, there has been a growing concern in California and in the country over drug abuse by our college students. As bad as this was—and is—we now know that drug use is spreading to our high schools and junior high schools. This Special Subcommittee has heard testimony that the drug problem has reached the elementary grade levels. Recently reported in the press was a story claiming that a third grader made $40,000 trafficking in drugs. That drugs have reached the elementary level is frightening—but correspondence that I have received confirms this invasion. For example, I received a letter from Mr. Arthur H. Suddjian—Coordinator—Drug Abuse Information Center of the Fresno Unified School District—and I quote: "I can assure you that drug abuse has not decreased in our high schools—it has increased tremendously at junior high levels—and has extended into the fifth and sixth grades."

On July 17—the *San Diego Union* in a lead editorial pointed out the need for action *now* in the drug battle. The cartoon on the editorial page for the same day depicted the drug and dope problem as "The Fifth Horseman" galloping destructively across our country with a hypodermic gun labeled "Dope." This is an apt description as evidenced by the frightening possibilities raised in the editorial's conclusion which states: "Time as well as vigor is of the essence. Unless something is done quickly parents may not be able to send their children to playgrounds without exposing them to narcotics."

On September 16, 1968—then Presidential candidate Richard Nixon made an important speech to the American people in Anaheim, California. In this speech—Mr. Nixon made a pledge to the American people that he—if elected—would act on the urgent national drug abuse problem. President Nixon did act—appointing in February—a Special Presidential Task Force on Narcotics—Marihuana—and Dangerous Drugs. The Task Force began its work in March and on June 6, the Task Force report was sent to the President. On September 1, 1969, the first implementation of President Nixon's Task Force took place under the name "Operation Intercept." The FAA regulations were amended to provide, among other things, that all flights from Mexico into the United States must henceforth be made on a flight-plan basis. The regulations further provided for revocation of the license of any pilot convicted of a drug abuse offense and—where a private aircraft is used to smuggle drugs into the United States—the certificate of airworthiness for the plane may be revoked so that the plane may no longer be legally flown by anyone.

So less than a year after he took office, President Nixon launched what I called D-day in the nation's war against illegal drugs and narcotics.

A study of this Task Force report reveals that it represents a virtual battle plan of sweeping proportions. The entire US-Mexico border is under surveillance in an effort to cut off and control illicit narcotic and drug traffic. Mexico is estimated to supply about 85 to 90 percent of marihuana in the United States and is also a source of a substantial amount of other drugs. President Nixon thus has launched the crackdown of drugs and narcotics that he promised he would do in Anaheim, California, in 1968. Certainly "Operation Intercept" will have the overwhelming support of the American people.

I was pleased that many of the recommendations in the Task Force report followed recommendations and suggestions that I have submitted to the President and to the Administration. I do wish to comment on some areas that seem to me most pressing.

I believe it is essential that we increase research in the whole drug and—particularly—the marihuana area for it's quite clear that although—for example—we have known of marihuana for some time—we have in the words of the President's Task Force "comparatively little sound research on the drug." Therefore, I believe that research is necessary to provide us with the soundest possible facts on the causes and effects of marihuana.

In addition, we must step up our education programs and give our citizens and our young people scientifically accurate information regarding the dangers of drugs. A crash anti-drug program comparable to the anti-smoking campaign should be undertaken. In addition—we must work within the schools and the communities to make drugs the "out thing" rather than the "in thing".

We must enact legislation as proposed by the Administration to protect the general public from the illicit diversion of drugs from legitimate channels and to make certain that there is a greater accountability of drugs from the nation's pharmaceutical companies. The President's Task Force report and testimony before committees of Congress have indicated that there are considerable quantities of drugs being legally manufactured in the United States—sold and exported to Mexico—and then smuggled back to this country. Action in this area is particularly critical for the 1968 report of the Justice Department of the State of California shows a decrease in the percentage of drug arrests for marihuana in both the adult and juvenile categories—but an increase in the percentage of dangerous drug use. Therefore, I strongly urge that the Administration's recommendations to curb and regulate dangerous drugs be acted upon immediately.

No one likes the situation resulting from the border checks. It is harmful to business on both sides of the border—inconveniences the tourist and our citizens—and it is po-

tentially harmful to the good relationship enjoyed by our governments and our peoples.

I have introduced in the Senate S.J. Res. 142, which urges the creation of an International Drug Commission to get international coordination, cooperation, and unified action with respect to the drug problem. In the past, the Mexican government has resisted such an international body, but I still believe that we should keep working and pushing the Mexican government on this.

We have often said that our young people represent the nation's greatest national resource. This expression may be trite—but it is nevertheless true. I strongly believe it. Therefore, we are not about to allow drugs to continue their insidious endangering of the mental and physical health of our young people and the undermining of the moral fibre of this great nation.

In short—the American people are angry over the drug problem and are demanding that action be taken to stop the drug traffic which only profits those who don't care how they make a buck.

This rightful anger and demand for action can be seen in the approximately one hundred cities in California who passed resolutions urging the closing of the Mexico-US border to minors unless accompanied by their parents.

This rightful anger and demand for action can be seen by the action of the California State Legislature in enacting legislation restricting the border-crossing of resident minors to occasions when they are accompanied by a parent, have parental written consent, or have a passport.

This rightful anger and demand for action can be seen in New York where in a study this week by the *New York Times* it was reported that addict victims were turning vigilante and that residents in areas with large numbers of addicts now "regard retribution preferable to promises of protection and plans for therapeutic programs never seem big enough, prompt enough or workable." This disturbing article went on to estimate that there are one hundred thousand heroin users in New York and that they figure the addicts might be stealing as much as $2.6 billion a year in property to support their habits. The article also told of the United States Post Office paying $360,000.00 in overtime pay just to provide additional postmen for safety reasons in some of the heavy drug areas. It seems these added postmen are needed twice a month when welfare checks are mailed since narcotics addicts have come to regard these checks as a potential source of money with which to buy heroin.

In conclusion, Mr. Chairman, I believe the drug problem represents a clear and present danger to our citizens and our country and I certainly am pleased that you have come to California. I am hopeful that as a result of these hearings and as a result of the vigorous action taken and recommendations made by the Administration, we might begin to put an end to this terrible problem.

EXHIBIT 2

MAY 10, 1970.

HON. RALPH YARBOROUGH,
Chairman, Subcommittee on Department of Treasury and Post Office, Committee on Appropriations, U. S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The 1971 Appropriations bill for the Treasury Department and Post Office is now before your Subcommittee. Because of my deep concern over the drug abuse problem in this country, and because the House in the Treasury Appropriations bill reduced the amount to be provided for the Bureau of Customs, I am writing to urge that the Senate restore the $1.6 million cut by the House.

As you are well aware, drug abuse in this country has reached epidemic proportions. Your intimate knowledge of the operations across the Texas portion of the Mexican border makes you aware that Customs is a key weapon in our fight against illicit drug traffic.

You are undoubtedly aware also that more than 80 per cent of Customs arrests for narcotics violations involve smuggling across the Mexican border, and that almost all the marijuana reaching the U. S. market originates there. In addition, there are considerable quantities of dangerous drugs that are legally manufactured in the United States that are sold and exported to Mexico and subsequently turn up in California's illicit drug traffic. In 1969, there were six tons, or approximately 15 million pills and capsules seized in California by government officials. It is believed that the major part of these captured drugs originated in export shipments to border towns along the California-Mexico border. Having a major port of entry from Mexico located in our State, we in California are seriously concerned about the drug problem on a local basis, as well as recognizing it is as national in dimension. I am certain that you are no less concerned.

Customs faces ever-increasing volumes of people, cargo, and carriers reaching our shores or crossing our borders. Every day the equivalent of the entire population of Washington, D.C. enters this country. It is my understanding that only a minimal number of new jobs were requested, and even this amount will only bring the customs employment total up to approximately the level under the Coolidge Administration. Most of the increase in funds requested is needed to finance the recently approved narcotics control supplemental for the full fiscal year 1971. Only 357 new average positions were requested, and these are to help customs keep abreast of its continuing workload increases in the processing of incoming mail and cargo. The House action eliminates 170 of these new jobs, or nearly half of them.

It is not enough for us in Congress to simply talk about the drug problem. We must give the Administration the tools and the manpower that they need and that they are seeking. I sincerely hope your subcommittee will agree with me and restore this $1.6 million reduction in full so that the Bureau of Customs can accelerate its battle against this illicit drug traffic during this coming fiscal year.

Sincerely,

GEORGE MURPHY.

Mr. MURPHY. Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, the time has come for an all-out war against illegal production and trafficking of narcotics. The alarming increase in drug abuse in the United States has reached crisis proportions. Between the years 1968 and 1969, the percentage increase in drug arrests across the Nation was 45 percent. During this same period in my State of Oregon, the increase was 58 percent. In a recent survey in the District of Columbia, the number of heroin addicts was estimated at 10,400 people, or about one addict out of every 80 residents of the Nation's Capital. Most tragic is the realization that the great majority of our drug victims are our young people. In fact, statistics show that next to automobile accidents, drug abuse is the leading killer of persons between 15 and 35.

Certainly this growing menace to human health and social order does not affect the United States alone. Noting the global magnitude of this grave problem, Mr. John Ingersoll, director of the U.S. Bureau of Narcotics and Dangerous Drugs, recently announced a dramatic 300 percent increase in worldwide heroin seizures during the period 1965–68. However, despite these seizures, it is believed that at least 1,200 tons of illicit opium went undetected with much of it entering our larger coastal cities such as New York and San Francisco. Moreover, appearance of huge amounts of synthetic and semisynthetic drugs on the international scene has compounded an already complex problem for our narcotics agents. Because of the international character of illegal production and trafficking of dangerous drugs, it becomes clear that it is impossible for any single nation to solve the problem of drug abuse within its borders. Since the problem affects the entire world community, global cooperation is required if we are to alleviate a worsening situation.

In order to broaden international cooperation in the area of curbing illegal drug traffic, today I am jointly introducing with Senator Murphy, a bill designed to strengthen the United Nations ability to control and regulate illicit production of hard narcotics and dangerous drugs around the world. Specifically, the bill recommends that not less than 10 percent of the fiscal 1971 appropriations for voluntary contributions to the United Nations development program be earmarked for the establishment of a multilateral fund which would finance the collection. Investigation and publication of information relating to illicit drugs. Under the bill, the President is directed to instruct our permanent representative to the United Nations to call for a new international convention to regulate the production and trafficking of synthetic drugs. To encourage member countries to cooperate with United Nations action, the bill also directs that the President shall withhold assistance from any country refusing to take appropriate steps to comply with United Nations programs aimed at the suppression of illegal narcotic traffic. This action would be taken, "unless the President determines that the furnishing of assistance to that country is in the national interest."

I would like to add that this approach has already gained considerable support in the House of Representatives and in the administration. In testimony before the House Foreign Affairs Subcommittee on International Organizations and Movements, Secretary of State William P. Rogers announced that a major thrust of our United Nations policy is to strengthen that organization's capacity to deal with the epidemic in drug abuse. The Secretary added that he would welcome congressional initiatives such as this bill.

Mr. President, I am hopeful that this bill will receive prompt and favorable action by the Senate Foreign Relations Committee. I firmly believe this legislation is a big step in the right direction in combating this terrible scourge which is infecting our communities, our coun-

try, and our world. Surely a war on illegal drugs is a war worth fighting.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR GOODELL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the vote tomorrow on the amendment offered by the able Senator from Wisconsin (Mr. PROXMIRE)—which is presently scheduled for 12 o'clock noon, I believe—the able Senator from New York (Mr. GOODELL) be recognized for not to exceed 20 minutes.

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

AMENDMENT OF DEFENSE PRODUCTION ACT OF 1950—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SCHWEIKER). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of August 10, 1970, pp. 28098–28099, CONGRESSIONAL RECORD.)

Mr. SPARKMAN. Mr. President, a conference committee between the House and Senate met on Thursday, August 6, to resolve the differences between the House and Senate versions of S. 3302.

The Senate version of S. 3302 authorized the establishment of uniform cost accounting standards to be applied to all defense contracts in excess of $100,000. The standards would be developed by a five-man Accounting Principles Board headed by the Comptroller General.

The House bill established a similar Accounting Principles Board; however, the accounting standards could not have been put into effect unless Congress enacted subsequent legislation.

The conference committee agreed to accept the Senate version with two amendments. The first amendment required that one of the accounting members of the Board have a background in the accounting problems of small business firms. The second amendment requires that Congress be notified in advance of all standards and regulations promulgated by the Board and be given a 60-day opportunity to rescind these standards or regulations by concurrent resolution of both Houses of Congress.

The requirement for congressional notification would not, however, apply to modifications of standards or regulations already promulgated.

The Senate bill also contained a provision limiting the loan guarantee authority under the Defense Production Act to $20 million and preventing any guarantees from being used primarily for the purpose of preventing the insolvency or bankruptcy of a firm unless the President certified defense production would be directly and substantially affected. The House conferees agreed to accept the Senate language.

Finally, Mr. President, the House bill contained a provision giving the President standby authority to control wages, salaries, prices and rents. This authority would expire on February 28, 1971. This provision was agreed to by the Senate conferees.

Mr. President, I move the adoption of the conference report.

Mr. BENNETT. Mr. President, although I was a conferee on the bill, I was unable to attend the conference; but had I been there, I would not have signed the report.

Title II, which was in the House bill, to which the chairman referred last, gives the President the power to impose wage and price controls for a period of 6 months. That reminds me of giving a fireman authority to use a water supply for only 30 minutes in case of a three-alarm fire. To me, that provision is entirely political, and it is interesting that it will expire as soon as the 1970 elections are over.

The President has made it perfectly clear that he does not believe that the use of price, wage, and rent controls is the way to solve the inflation problem which he inherited. He has made it perfectly clear that he does not intend to use this power which the bill forces on him. So it is obvious to me, at least, that the purpose of writing this into the law is so that the President's political opponents can say, "We gave you the power; inflation is not solved; therefore, you are responsible for the inflation."

I am certain that the President has courage enough to survive that kind of attack, but I am disturbed that we would write what to me is a completely political feature into a bill so far removed, whose purpose is to extend the Defense Production Act.

Also, I am one of those who have not agreed with the method contained in the bill to set up the accounting standards board. I think it is a serious mistake, a compromise of sound constitutional government and the separation of powers.

When this matter was before the Senate Committee on Banking and Currency, I offered an amendment which would have set up a cost accounting board consisting of the Comptroller General and four members to be appointed by the President, subject to the advice and consent of the Senate.

My amendment was defeated in the committee by a tie vote and, consequently, when it was offered in the Senate, it was also rejected, very largely on party grounds.

I think that a review of contract cost performance should be performed by an independent body. By placing this authority in the Board, to be approved by the Senate, I think we would have guaranteed that independence. The provision in the pending bill, in my opinion, fails because the independence of its members will have already been compromised by their very appointment. While the Comptroller General of the United States remains chairman under both approaches, under the approach approved in the bill he himself will appoint the members of the Board and, therefore, they are subject to his pressure.

The Comptroller General of the United States, Mr. Elmer Staats, in testimony before the Senate Banking and Currency Committee, opposed the provision which the bill finally contained. He argued that members of the Board should have been independently appointed by the President to represent the accounting profession, small business, as well as industry and government. But, by rejecting the position taken by the President, the Comptroller General—and, incidentally, by himself—the bill has now set up a board which has no real independence.

Mr. President, I realize that under the circumstances, these comments and criticisms of mine are more or less meaninglesss because we have gone too far down the legislative path to change that path.

Mr. SPARKMAN. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. SPARKMAN. With reference to setting up the Board, of course, the Senator will remember that we discussed it at length in the committee. I had some sympathy with his viewpoint, but the Senator will recall that the Comptroller General particularly requested this kind of setup.

But, so far as the conference itself was concerned, I do not recall that we had any choice, because the House had set up practically the same language. About the only change that was made in the conference was that they had, I believe, a provision in there that one of the accounting members had to be a man who had experience in small business. We accepted that. That is about the only difference that prevailed between the two Houses so far as setting up the board was concerned.

Mr. BENNETT. I recognize that this is a kind of expression of frustration on my part, but I cannot let the conference report be approved without expressing my disappointment in these two features; namely, the feature with respect to which we picked up from the House setting up the 6-month system, under which the President may impose wage and price controls which, I think, is for the purpose of embarrassing him politically; and then the feature——

Mr. SPARKMAN. Will the Senator from Utah yield there further?

Mr. BENNETT. I yield.

Mr. SPARKMAN. So far as the Senate is concerned, I think that I can say we did not feel it was a political matter. I think the Senator has heard me say many times that I hoped we would never have to have wage and price controls. It is unsatisfactory from the standpoint of

setting it up, and also unsatisfactory from the standpoint of administering the program.

I therefore certainly hope that the President will not have to set up wage and price controls. I hope that inflation will start a downward turn so that we can get out of that problem. But that was the situation, and it was a practical situation that we were met with. We did not consider that in the Senate at all.

Mr. BENNETT. No.

Mr. SPARKMAN. We did not consider it at all. We did pass, a couple of years ago, a provision that gave the President the option to use credit controls, either voluntarily or mandatorily. The Senator will remember that. But we were faced with a realistic situation. The rollcall in the House, which appears on pages 26841–26842 of the CONGRESSIONAL RECORD of July 31, 1970, shows that the vote was 257 for it and only 19 against.

Only 19 Representatives voted against it. About a dozen of those 19 were Republicans, but nearly all the other Republicans joined in. I have forgotten what the total was, but the Republican leader over there voted for it, and the assistant leader over there voted for it—practically every one of the Republicans.

Several of the 19 were Democrats. As I say, the majority leader and the assistant majority leader voted for it. So, who were we to question this being a political matter?

Mr. PROXMIRE. If the Senator will yield on that point, I should like to point out, furthermore, that of the three Republicans in the conference committee, two of them voted for the price-wage controls in the House vote, including the distinguished ranking member of the House Banking Committee, Representative WIDNALL, and Representative MIZE, so that we were in a position in that conference where the House was overwhelmingly united on this particular position.

Mr. BENNETT. That still does not prevent me from claiming the privilege of expressing my disappointment in the results of the conference.

I have talked at some length about this problem at other times. I have talked about it before the committee. I was trying to manage a business during World War II and part of the Korean war, trying to wrestle from that point of view with the wage and price control problem. I discovered, and the record will bear me out, that wage and price controls do not control inflation; that there are so many ways to get around it, and that the rate of inflation during World War II, when those controls were in effect, was at exactly the same rate 5 years after the controls had been lifted. Thus, it is a delusion and a snare.

Well, Mr. President, I have had the opportunity to express my disappointment. I shall have nothing more to say about the report except to say that I should like to be recorded as opposing it.

Mr. PROXMIRE. Mr. President, I want to commend the fine work of the chairman of the Senate Banking Committee, Senator SPARKMAN, and the chairman of its Subcommittee on Production and Stabilization, Senator MONDALE, for their leadership on the extension of the Defense Production Act and the provision dealing with uniform cost accounting standards. I was most gratified that the House-Senate conference committee agreed to adopt substantially the Senate provisions concerning uniform cost accounting standards.

The bill passed by the Senate by an overwhelming vote of 69 to 1 would have required the adoption of uniform cost accounting standards on all Government contracts in excess of $100,000. These standards would have been promulgated by a five-man accounting board appointed by the Comptroller General who would serve as its chairman.

While the House bill established a similar accounting board, the regulations could not have been put into effect unless Congress enacted subsequent legislation. In my view, this provision would have completely negated the intent of the Comptroller General's report which concluded that uniform cost accounting standards on Government contracts were both feasible and desirable. In view of the billions of dollars a year being wasted by the Defense Department, it is time we put these standards into effect without further delay.

In that connection, the bill agreed to by the House-Senate conference committee authorizes the Accounting Principles Board to promulgate regulations without the need for coming back to Congress for additional legislation. The bill also requires the Board to report to Congress within 2 years concerning their progress in promulgating cost accounting standards. In view of the urgent need to put these standards into effect as soon as possible, I would hope that the bulk of these regulations would be completed and issued within the 2-year period. No doubt, these regulations can be subsequently refined, modified and amended on a continuing basis; however, it seems entirely reasonable to assume that the major task of the accounting board can be completed within the initial 2-year period.

Mr. President, again I wish to thank the distinguished chairman of our committee and the able chairman of the Subcommittee on Production and Stabilization for their excellent cooperation and assistance in getting this long overdue reform enacted into law.

Mr. TOWER. Mr. President, I must express my objections to the uniform cost accounting bill which we are voting on today. This measure has been characterized as totally impractical as a matter of accounting science because of the diversity of products, firms, and cost factors involved in defense contracting. I am not opposed to tightening up the procedures by which the Defense Department and the General Accounting Office assess the effectiveness of the expenditure of our tax dollars for defense procurement. But to require the General Accounting Office and the accounting board created in this bill to work out uniform standards for all defense contractors seems to be entirely impractical.

The Associate Director of the Defense Division of the General Accounting Office testified that in 99 percent of the cases the GAO can determine costs adequately from their knowledge of the accounting practices of various types of contractors and product lines. To cause all of these contractors to change over their accounting systems to some "uniform" system would be tremendously expensive, and would cost the firms more than the system could save, therefore resulting in higher prices for defense products.

Of the two versions of this bill, the House bill was much preferable because it gave Congress a chance to assess whatever standards are arrived at by the Board, and to determine whether they were too detailed to be feasible to implement. The Senate version, which was adopted in conference, does not give Congress the chance to review these standards. I think this is a mistake.

I intend to watch the developments that arise from this legislation closely in the coming months, and I hope that Congress will reconsider the wisdom of this measure at the beginning of the next Congress.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on the adoption of the conference report.

The report was agreed to.

Mr. SPARKMAN. Mr. President, I move that the Senate reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

Mr. TALMADGE. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed 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.

THE C–5A

Mr. TALMADGE. Mr. President, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) was kind enough to send to my office an amendment which he proposes to offer to the Military Procurement Act which relates to the C–5A.

A preliminary analysis of this amendment leads me to make several comments about it.

The proposed amendment sets up only two conditions under which the $200 million contingency fund could be spent to continue C–5A production beyond the end of 1970. Neither of these conditions is a very happy choice.

The first condition is impossible to meet and the second is bankruptcy for Lockheed, the C–5 contractor.

Conspicuous by its absence is a condition which would allow the contingency fund to be spent following a negotiated settlement of the legal dispute between the DOD and Lockheed. The fact that this condition is absent, and the fact that the first condition is impossible, can only lead to the conclusion that the amendment is deliberately designed to force the contractor to bankruptcy.

So that is the real question that will face the Senate as we consider this latest C–5 amendment. Do we or do we not wish to drive Lockheed to bankruptcy—deliberately, knowingly drive them to bankruptcy—without any opportunity for them to seek redress on their legal claim either through the courts or through negotiation toward a compromise agreement on the contract?

To adopt this amendment does indeed provide us with the opportunity to assume the roles of prosecutor, judge, and jury all at the same time. It does give us the opportunity to decide this legal case unilaterally, right here on the Senate floor. It certainly gives us the opportunity to violate every basic concept of justice—and equity—and fair play that have been developed tortuously over the years of American jurisprudence.

It is incredible to me that we could even consider such a step seriously. But let me quickly outline the reasons why this amendment is not what it may seem to be at first blush.

First let us talk about the missing condition under which the money could be spent—the condition that is not there. This, of course, is a condition of negotiated settlement of the contract dispute. As has been widely publicized, the DOD and Lockheed have been working for months in an effort to reach a compromise agreement. Although such an agreement would certainly be very punishing to Lockheed financially, it also would allow them to continue normally in business to complete their various military product deliveries—some of which are vital to our Nation's security. One example is the Polaris-Poseidon program. Assumedly, such a compromise also would recognize that Government contract procedures—such as the total package procurement contract which was the only type of contract offered to the competitors in this case—would have to assume a big share of the blame for the current legal dispute.

But regardless of the merit or demerit of the legal cases—and regardless of the consideration that a now abandoned contract form may have contributed materially to the problem—and regardless of the highly inflationary condition that played such a major role in the C–5 overruns—the real point in seeking a negotiated settlement was to seek a fair compromise without having the long delay inherent in having the dispute settled through normal legal processes.

It has been estimated that a decision on the C–5 case from the Armed Services Board of Contract Appeals would be highly unlikely until the middle or latter part of 1971, even though the formal complaint to that board was filed early this year. Further, it is recognized that an appeal from the Board's decision is possible and would be made to the Court of Claims. This would add a further time lapse—the probable minimum being 2 years—or until mid-1973 or later before the appeal could be ruled on. And, even then, under some circumstances it is possible for a case like this one to be taken all the way to the Supreme Court for final judicial review.

Thus the whole purpose of arriving at a negotiated settlement is to avoid these long delays—and to allow instead an expeditious compromise settlement—and to provide in this way for an orderly procedure in completing the production of the C–5A.

As has been explained to us many times, the $200 million is needed at the end of calendar year 1970 if C–5 production is to be continued without a costly, wasteful production gap.

It should be noted here that Deputy Secretary of Defense Packard is required by the committee bill to seek clearance from the appropriate congressional committees on terms of a negotiated settlement, before he would spend the $200 million contingency fund.

Now, since this amendment would not allow C–5 production to proceed under the terms of a negotiated settlement, let us examine the two conditions for continuance that are included in the amendment. Here, we should note that the amendment states clearly that the contingency fund could only be spent under one or both of these two conditions.

The first condition would be if the Armed Services Board of Contract Appeals has made a decision as to the amount, if any, owed to the contractor from the contingency fund, and if a judicial review of the Board's decision has also been completed. In simple terms, this means that the $200 million could not be spent until both the ASBCA and an appellate court—in this case, the Court of Claims—have made their decisions about this legal dispute.

As I have already explained, such decisions would appear to be impossible before mid or late 1971 in one case and 1973 in the other.

Thus, condition number one in the amendment is totally useless as a vehicle to allow the expenditure of the $200 million, since it simply cannot be accomplished in time to be useful.

This takes us to my final comment, which is that the only condition left under which the money could be spent would be the condition wherein Lockheed is in bankruptcy.

Obviously, to adopt this amendment would put the U.S. Senate on record as saying that we have prejudged the Lockheed legal case and have found it to be worthless. Certainly this is so if we deny Lockheed the right to achieve a negotiated settlement, and if we deny them the time to seek normal court decisions. I do not believe it is fair or proper for the U.S. Senate to take such a position. Such an action would deny legal rights we provide to the citizens of the United States and would tend to force the contractor into bankruptcy whether he deserves it or not.

More importantly, action such as that contemplated by the Proxmire-Schweiker amendment would deny the planes. These aircraft must be built because they are needed. A total of 81 planes is considered the minimum number essential for an effective military capability. This is the required capability for transporting extremely heavy equipment of combat divisions that nothing else in the world can do.

No other aircraft or ship can match the unique role of the C–5. This aircraft gives the United States an airlift capability superior to that of any nation in the world, friend or foe, to rapidly respond to military crises or threats to our national security anywhere on the earth.

The President of the United States has carefully studied and analyzed the need for the C–5.

The Secretary of Defense, who has utilized all the military expertise at his command, determined the aircraft vital for national defense.

The Deputy Secretary of Defense has strongly testified to this fact.

The Joint Chiefs of Staff say the planes are required for national security.

The Armed Services Committee of the House of Representatives, and the House itself, voted overwhelmingly for production of the C–5 as a prime defense item.

The Armed Services Committee reported to the full Senate that the C–5 program is essential.

The sponsors of this amendment are selling it as the "keep building the planes" amendment. They have stated that their amendment would: First, keep the Lockheed employees at work; second, insure that the planes would be produced; and, third, protect the Government and the taxpayers' interest. However, by forcing Lockheed into bankruptcy, the amendment would have exactly the opposite effect. Under this amendment the production of the C–5A aircraft would be subjected to the uncertainties and delays of bankruptcy and reorganization proceedings.

Whether to proceed with the production of the C–5A aircraft would be a matter left to the discretion of the referee in bankruptcy rather than Congress and the Government. This latest amendment is an attempt to do indirectly what its sponsors have previously attempted to do directly by seeking to eliminate the $200 million contingency fund for the C–5A aircraft. However, both the original amendment and this new amendment would have the same impact. Both would bring chaos to the C–5A program, both would waste millions of dollars of taxpayers money and both would deny the American people an airplane which is vital to our defense.

I hope that the Senate will not gam-

ble with the future of this vitally needed program.

S. 4234—INTRODUCTION OF A BILL TO PROVIDE FOR RELOCATION OF THE VILLAGE OF NIOBRARA, NEBR., ACQUISITION OF NIOBRARA STATE PARK AND THE CONSTRUCTION OF CERTAIN SUBSTITUTE FACILITIES

Mr. HRUSKA. Mr. President, I introduce, on behalf of myself and the junior Senator from Nebraska (Mr. CURTIS), a bill which would provide for the relocation of the village of Niobrara, Nebr., the acquisition of Niobrara State Park, and the construction of certain substitute facilities.

Mr. President, prior to 1952, the Niobrara River, with its steep slope and heavy sediment, continually deposited a large amount of silt into the slower moving Missouri River in the vicinity of Niobrara, Nebr. This created a delta formation which encroached on the main stem channel near the junction of the two streams. When the runoff conditions reached a sufficient magnitude, portions of the delta were distributed further downstream. Occasionally, these conditions would reach major flood proportions. Then a large part of this formation would be removed from the area, and the process would repeat itself.

Since 1952, when the Missouri River system of dams went into operations, the chances of floods of such proportions again occurring in the reach of the Missouri River, have been virtually eliminated.

For the vast majority of citizens living in the Missouri River Valley, the dam system provides security and economic advantage. However, the consequences for Niobrara are quite the opposite.

The operations of the Fort Randall and Gavins Point Dams have caused periodic flooding by surface waters and a rising ground water table. Based on the experience of the 15 years since the completed project went into operation, these effects will continue to encroach on adjacent private and public lands. The park and village will then be untenable.

Without immediate and vigorous action, the residents of the village will suffer irreparable financial loss. The effects of periodic flooding and slowly rising ground water are creeping and insidious in nature, and many of the residents will be unable to cope with the situation.

During the period of April 18 to 28, 1970, petitions were circulated to all the legal voters of the village of Niobrara outlining three courses of action that could be taken with respect to the future of the village. The courses of action presented were:

First. Relocation of the village to another site.

Second. Abandonment of the village.

Third. Protection of the village by dike and pumping systems.

Fourth. Did not wish to comment.

The results of the inquiry were as follows:

Persons:	Percent
For relocation, 298	85
For abandonment, 22	6
For protection, 13	4
No comment, 18	5

A resolution was subsequently drawn up and signed by the board of trustees of the village requesting that the Government relocate the village of Niobrara.

As a result of the vote for the relocation of the village, a determination was made as to the number of households and businesses planning to relocate to a new townsite. One hundred eighty-five households and 45 business proprietors indicated plans to reestablish themselves at the new site. The president of the Niobrara Housing Authority also indicated the authority desired to relocate its 21 units.

The Nebraska Game and Parks Commission favors the acquisition of the park and its facilities by the Federal Government rather than attempts to preserve it in its present form. The cost of future maintenance of the park is uncertain due to the extensive protection devices which would be needed.

Mr. President, I quote from an article appearing in the Omaha World-Herald on September 7, 1969, written by a native of Niobrara:

> We who live in or near this northeastern Nebraskan community know that the Niobrara River is ceaselessly piling silt at the edge of town and that the water level is creeping ever higher in village basements. We know that some day the townsite must give way to marsh and swamp.
>
> On this we all agree. . . .

Mr. President, the legislation providing for the construction of the Missouri River dams provided for reparations to persons adversely affected by the building of the dams. Clearly, the people of Niobrara are suffering greatly from the effects of the Missouri River dams.

It is up to the Congress to make amends for the destruction of this town—to allow it to go on living—because, in the words of its citizens:

> Niobrara is a place where babies are born, where fathers work, where children learn, where people die. It is a community of 700 people; it is a way of life.

Mr. President, we must not allow that way of life to be ended. The bill we offer today will help to avoid that unhappy consequence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4234) relating to the relocation of the village of Niobrara, Nebr., the acquisition of Niobrara State Park, and the construction of certain substitute facilities, introduced by Mr. HRUSKA (for himself and Mr. CURTIS), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 4234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to remedy the adverse effects of the high ground water conditions caused by the Gavins Point Dam and the Lewis and Clark Lake project, Nebraska and South Dakota, the Secretary of the Army is authorized to acquire for inclusion in the Gavins Point Dam and Lewis and Clark Lake project—

(1) such lands and interests therein within the corporate limits of the Village of Niobrara, Knox County, Nebraska, as he may deem necessary; and

(2) Niobrara State Park, Knox County, Nebraska.

SEC. 2. (a) The Secretary of the Army is authorized to provide for the layout, design, and construction, on sites approved by him, and selected and made available by the Village of Niobrara at no cost to the United States, of substitute facilities, at a cost not to exceed $7,000,000, to replace existing municipally owned streets, utilities, and other improvements. Such facilities may be constructed to modern-day design standards for the type and kind of facilities to be replaced. In no event shall the scope of the substitute facilities so constructed be greater than that necessary to accommodate (A) the number of businesses and residents who relocate at such new village site, and (B) the future growth potential of the Village as it existed prior to such adverse effects referred to in the first section of this Act.

(b) The Secretary of the Army is further authorized to provide for the design and construction, on a site selected and made available by School District 1–R at no cost to the United States, of a substitute facility to replace the existing School District No. 1–R school at the Village of Niobrara, at a cost not to exceed $800,000. In no event shall the Secretary of the Army be authorized to provide such design and construction unless he, or his authorized representative, first determines that the relocation of the Village of Niobrara at a new site will result in undue hardship to the School District unless a substitute school facility is provided at such site, and that there is a continuing need for such substitute school facility at such site.

SEC. 3. The Secretary is authorized to make such expenditures as are necessary to carry out the provisions of this Act out of funds available to him, or hereafter appropriated to him, for water resources projects.

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.

Mr. PROXMIRE. Mr. President, before I speak on the pending amendment I would like to say briefly that I expect to reply in some detail to the distinguished Senator from Georgia (Mr. TALMADGE), who spoke so feelingly and strongly in connection with the C–5A amendment which the Senator from Pennsylvania (Mr. SCHWEIKER) and I have introduced.

The thrust of the speech by the Senator from Georgia was that our proposal would in effect mandate a bankruptcy for Lockheed. This conclusion can only be supported on the assumption that Lockheed has this $200 million coming. That the Federal Government owes it. This of course is not true. The Air Force insists the Federal Government does not owe this money. All the proposal would do would be to provide that the $200 million would only be given to Lockheed

provided there was either a showing the money was legally due it by court finding, an Air Force board; or if a trustee in bankruptcy decided the money was needed to continue aircraft production. To proceed otherwise by a Government bailout means we are asking for real trouble. The committee is not limiting this to $200 million. The committee report makes it clear that the cost of completing the remainder of the 81-plane program will be approximately an additional $800 million over and above the total contract price for 120 planes.

Mr. President, the C–5A has been called many things but it is getting so expensive we could probably call it a "flying Rayburn Building."

We have the confession in the report that the cost of this plane will be $56 million each, even if we complete all 81 planes. If we only complete 17 the committee report says the cost will be $200 million per aircraft. The original contract promised us a plane at only about $27 million a copy.

As I have stated, I shall discuss this matter in some detail at a later time. I vigorously disagree with the conclusions of the distinguished Senator from Georgia that this would prejudge the Lockheed case. All we are saying is that the taxpayers should not be dunned $200 million or $800 million for something they do not owe. Such a generous giveaway should only be provided to a defense contractor if a court specifies it is owing or if a trustee in bankruptcy or referee in bankruptcy states it is required to fill the contract and make sure the planes are built.

ENFORCEMENT OF ENVIRONMENTAL POLICY ACT FOR MILITARY LEGISLATION AND ACTION

Earlier today my amendment No. 808 was made the pending business.

The amendment requires that the Defense Department comply with the Environmental Policy Act of 1969. The vote on it will test whether Senators mean business about saving the environment from pollution or whether they do not.

The Federal Government must set the example in the environmental field. And of all environmental pollution by the Federal Government it is authoritatively estimated the Defense Department is responsible for 80 percent. But it has failed to comply with the law.

If we allow this state of affairs to continue, we should be honest with ourselves, repeal the Environmental Policy Act, and admit it is only rhetoric.

If the Federal Government is unwilling to set the example, then how can we ask the States to stop the erosion of our environment, require that cities and towns clean up the air and water, demand that private industry stop polluting the lakes and rivers of the land, or halt private citizens from bulldozing the land or destroying our heritage?

This amendment will test whether we mean business in stopping pollution or just want to pass laws that sound impressive but do nothing.

PURPOSE TO ENFORCE ACT

The purpose of this amendment is to make certain that the Defense Department complies with the National Environmental Policy Act of 1969 and specifically with section 102 of that act. To date, the Department has essentially failed to comply with the act. My amendment does not change or amend the act itself. It merely withholds funds for specific projects or actions by the Defense Department until the Department has complied with section 102 of the act.

Section 102 of the act 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.

CLEAR LANGUAGE

That language is very clear. Under the law the Defense Department, as must every other department, must file a detailed report on every proposal for legislation or major Federal action stating what effects the action or proposal will have on the environment. That is the law.

But the Defense Department, as well as most other departments, has not been complying with the law. Defense has not filed a single report for any legislative proposal or major action authorized in this bill.

WITHHOLDS FUNDS

My amendment would withhold the funds authorized in this and other acts until the Defense Department complies with the requirements of section 102 of the Environmental Policy Act of 1969. All they need do in order to free the funds is to file a report, already required by law. That is certainly not an onerous or difficult action. All the amendment requires is that the Defense Department obey the law before it can spend its funds. What possible objections can there be to that requirement?

FAILURE TO COMPLY

So far as we are able to determine, the Defense Department has filed only one major report under the act; namely, on the environmental effects the dumping of nerve gas in the Atlantic Ocean might have on the environment. They did this, I am told, both belatedly and reluctantly. But that action clearly should come under the act. It may be that they have filed one or two other reports on minor actions.

A few weeks ago, when I was holding hearings before the Subcommittee on Economy in Government of the Joint Economic Committee, I asked a representative of the Defense Department whether or not they had made reports. The witness replied that reports on legislation and major actions affecting the environment were "in the pipeline." I think it is clear that the Defense Department has the longest pipeline in the world.

SUMMARY POINTS

The following is therefore true:

First. The law requires the Defense Department to file a report on every major legislative proposal or major action significantly affecting the quality of the environment.

Second. With minor exceptions, the Defense Department has not complied with the law. No report has been filed on any legislative proposal authorized by this bill. While a report has reluctantly been filed, or will be filed, on the environmental effects of the SST, there is no report on the environmental effects of the proposed supersonic B–1 bomber which this bill funds.

Third. This amendment would withhold funds until the law had been complied with. The amendment does not change the law. The amendment would merely help enforce the law.

Fourth. Funds could be freed by a very simple act; namely, that the Defense Department file a report. That is all that is required.

POINTS NOT IN DISPUTE

Before I spell out in more detail both why it is important that the Defense Department comply with the act as well as the specific requirements of my amendment, let me clear up a few points. Let me answer some specific questions which have been raised about the amendment.

First, if all this amendment does is to require the Defense Department to comply with existing law, why is it needed at all? Obviously, there is no point in merely duplicating existing law.

The answer is simple. The Department of Defense has almost completely failed to comply with the National Environment Policy Act. According to the Council on Environmental Quality, the Department has submitted just one report since the act became law last January. This report on the disposal of the VX nerve gas in the Atlantic Ocean was submitted by the Department only after considerable pressure from the public had been placed on the Department. No other reports have been submitted by the Department in the 8 months since passage of the act.

The problem is very simple. Under the act, the agencies are given the authority to establish their own guidelines as to which projects are reportable under section 102. The guidelines, of course, are an administrative method of carrying out the intent of the act. They should not be used to gut the act. While the act clearly states that all major recommendations or proposals must have reports submitted on them, the Department of Defense has been very reluctant to report on a wide variety of projects which are clearly covered by the law. The amendment I am proposing will make sure that these reports are submitted. It will force compliance with the clear provisions of the act. Under the amendment, no funds authorized or appropriated for any project may be obligated or expended until the report has been submitted. The amendment will make sure that the act is enforced.

REFUSED REPORT ON NERVE GAS TRANSPORTATION

Last week, for example, the Pentagon refused to submit a report on the transportation of nerve gas. While such shipment represented a clear environmental hazard, the Department of Defense unilaterally decided that it did not have to report on it under the act. But surely that was a major Federal action significantly affecting the quality of the human environment. No one could reasonably deny that. My amendment would guarantee that such a report would be

submitted. That is why the amendment is needed. It will help enforce the law.

Another question which has been raised concerning the amendment is whether it would apply to the activities of the Defense Department abroad. This question has nothing to do with the amendment itself. It involves an interpretation of the National Environmental Policy Act. It is clear that this amendment does not set policy in this area. It applies to only one agency of the Federal Government. Only a uniform interpretation of the National Environmental Policy Act as it applies to all agencies with operations abroad can settle this question. Thus, the question of whether the amendment affects operations of the Department abroad is beyond our concern. That issue will be resolved by the interpretation of the act itself. If the Justice Department or other legal officers in the Government determine that the act applies to actions by Government agencies outside the continental limits of the United States, then this amendment would apply to those actions. If the act does not apply outside the United States, the amendment contains no provision which would change that. The amendment is neutral on that issue. It depends on the act itself.

EXCLUDES WEAPONS IN WARFARE

Another important question is whether the amendment would require reports on the destructive capability of weapons when used in open warfare. The answer to this question is absolutely "No." The amendment clearly exempts the operation and maintenance of weapons when used in warfare. The destruction of the environment is an unfortunate consequence of any type of warfare. Such destruction is unavoidable. While such destruction is not to be condoned, it is not what we are concerned with in this amendment.

What we are concerned with here is the operation, testing, and maintenance of major weapons systems in peacetime We are concerned with the air and noise pollution caused by military aircraft. We are concerned with the oil pollution created by naval warships. This is the type of environmental damage which we are trying to prevent under this amendment.

Having answered these questions, let me give some examples of major projects on which no reports have been filed.

B–1 BOMBER

To be specific, no report has been filed on the environmental effects of the B–1 bomber. The $50 million in this bill could not be spent until such a report has been filed if my amendment is adopted. What is wrong about that? Why should not we know what effects it will have?

NERVE GAS DUMPING

Let me give one more example. Under great pressure the Defense Department did file a report on the possible environmental effects of dumping the dangerous VX nerve gas 16,000 feet into the Atlantic. As I say, they did this reluctantly. But they refused to report on the environmental, or possible environmental effects of transporting that gas across a large part of the Nation.

They refused to do so even though the Environmental Policy Act specifically requires them to file a detailed statement on major Federal actions significantly affecting the human environment. Under the provisions of my amendment, the funds could not be spent to transport that nerve gas until the Department had filed a report outlining the effects or potential effects of that major action. That is exactly the kind of situation contemplated by the act and one in which the Defense Department had failed to comply with the law.

The effect of my amendment would be to make certain that the law was complied with. The Defense Department, like any other department, is not above the law.

Now let me turn to the general issue of why this amendment is needed and why the Defense Department, especially, should comply with the act.

The Department of Defense is involved in a wider range of projects and activities than any other department in the Government. This year it will spend about $75 billion, which is vastly more than any other department spends.

Furthermore, the nature of those expenditures differs widely from the checks that the Social Security Administration or Veterans' Administration send out, or the amount in the overall budget which finances the national debt. Thus, in both the quantity of the funds it spends and the quality or nature of the activities it undertakes, it has more effect on the total environment than any other agency in the Government. It has been estimated by a spokesman for the Council on Environmental Quality that about 80 percent of the pollution caused by the activities of the U.S. Government can be attributed to the Defense Department. This is not a condemnation of the Defense Department. It is merely a statement of fact. Collectively, the Department is responsible for millions of gallons of sewage, tons of garbage, and a great deal of air pollution each year.

Another major source of environmental damage is the day-to-day operation of our military aircraft, or naval vessels, and other defense-related equipment. The Navy owns and operates about 940 ships. The military forces operate a combined total of 26,000 aircraft. The pollution from these two sources alone is substantial. Naval vessels can create oil pollution when they flush their fuel tanks at sea. While this is now prohibited, it is sometimes difficult to enforce. Some naval vessels still dump their garbage overboard.

MILITARY AIRCRAFT

Military aircraft create both air and noise pollution. Like commercial jets, they spew forth clouds of unburned kerosene and other high-octane fuel. Each year military aircraft are responsible for many sonic booms across the country which cause untold property damage.

MOTOR VEHICLES

The Defense Department owns and operates tens of thousands of motor vehicles. These give off carbon monoxide and other pollutants, as we know.

WEAPONS SYSTEMS

The construction of major weapons systems can have a significant effect on the environment. When a hundred million dollar contract for the production of a weapons system is let, it can create major environmental problems. It can affect land use, urbanization, waste disposal, air pollution, and a variety of other issues, for hundreds of families may be attracted into the area for the defense work.

CONSTRUCTION

The same is true when any major defense installations is constructed. There are many examples.

At one time the Navy wanted to fill in 95 acres of San Francisco Bay. That would merely have added to the problem of inversion, which has already changed the nature of the San Francisco area environment.

Project Sanguine in my own State is a project which can have a major environmental effect on the State. It is a huge communications grid which may be constructed in Northern Wisconsin covering 26 counties—about a quarter of the State—and would affect the ecology of the area. It is very important that we know what the environmental effects will be before that project is constructed, if it is to be constructed. That is exactly why my amendment is needed.

The problem in the past has been that the environmental effects of military construction, supersonic planes, the purchase of motor vehicles, the location of military air bases, the letting of a major contract, the testing of military weapons or the transportation of lethal gas have rarely if ever been considered when these actions are taken or when legislation is proposed.

Mr. President, we have been asking the question, as we should have, "What is the cost in money of these weapons?" That is certainly one cost we should weigh in determining whether or not to go ahead. We have not been asking the question as to the cost in environmental waste, and in damaging seriously, and perhaps irrevocably, precious and limited resources. This question seems to me to be more important than the money cost. All I am asking is that we get that environmental cost, systematically and regularly, from the military officials, and if we do not get it, they do not get their money.

TESTING OF WEAPONS

Let me emphasize the environmental effects of weapons testing. This can pose a very serious threat to the environment. It is also true of the transportation of weapons. The transfer of chemical and biological warfare agents across the United States represents a severe hazard. An accident could imperil the lives of thousands of people. There are other examples.

It has been reported that radiation levels far in excess of AEC standards have been found near major underground test sites in Nevada. We all remember that several years ago some 5,000 sheep were

killed as a result of exposure of VX nerve gas which had escaped accidentally from testing grounds in Utah. Another example involves the island of Culebra off the Puerto Rico coast where the Navy is shelling the island in carrying out its routine target practice. This has had a considerable environmental effect on the island.

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.

In view of this, it is essential that every major Defense proposal for legislation or action 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.

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 all 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. All of these are clearly required by any responsible reading of the law.

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 effect 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 environmental consequences of large-scale military development. This provision will insure that a report detailing such potential effects will be made before construction gets underway.

Mr. President, I might point out in this connection that, of course, we would anticipate that in few, if any, of these cases, the contract would not be let. What would result, in my view, from this kind of report is that effective planning would be provided, so that environmental damage would be minimized or eliminated.

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 over a week ago, 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 Environment Quality any new 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 not significantly complied with the law.

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 proposing 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.

CONCLUSION

Mr. President, the Federal Government must set the example. Its actions, and particularly those of the Defense Department, have a greater effect on our environment than any other single group.

But if we fail to pass this amendment—if we fail to follow the timeless

adage, "physician, heal thyself," how can the Federal Government demand action in good faith from the States, the counties and cities, from private industry, and from the rank and file citizens of this country?

If we say we favor effective Federal action to stop pollution, but vote against this amendment, we are hypocrites.

Can we in good faith demand that private commercial planes put suppressors on their jet engines while military jets do not?

Can we bring action against a giant steel company for polluting the air and water of the Nation if a huge military base is allowed to spew poison chemicals into the atmosphere?

Can we in good faith take land through Federal action in order to preserve our priceless seashores, our mountain slopes, and irreplaceable forests, if the military can bulldoze a unique environmental area without even a report to Congress telling us what it is doing?

The vote on this amendment is the acid test. If the largest Department in the Government can continue to flout the law, then, neither as Federal officials or as men, can we expect to be respected when we require others to clean up the environment.

The Defense Department is not above the law. It should set the example.

Mr. President, it is my understanding that one of the objections to the amendment I have offered, which may be proposed tomorrow, is that we should not proceed with this amendment because at long last, after seven and a half months, or nearly 8 months, the Defense Department is coming down with some guidelines. I have heard that just this morning Secretary Packard sent a letter specifying guidelines. I hope that the submission of my amendment had something to do with that. It is welcome.

But I think it is a long way from guidelines to compliance with this law. I will be interested in seeing what the guidelines will include. It is my understanding that they may exclude some important actions by the Defense Department that could have a seriously adverse effect on the environment.

At any rate, the amendment I have offered, it seems to me, is a mild and moderate amendment. All it requires is that the Defense Department comply with the law, and until they do comply with the law itself, they will not be funded by Congress. Certainly, in a body which above all should believe in law and order and compliance with the law and prosecution of those who do not comply with the law, the least we should do is to say, "If you don't comply, you don't get the money."

So I do hope that when this amendment is considered tomorrow—and I expect that the vote will come at 12 noon—the Members of the Senate will keep in mind that although the Defense Department at long last has come down with something like guidelines, it is a long, long way from any effective compliance with a law that has been on the books since January 1 of this year.

S. 4235—INTRODUCTION OF A BILL RELATING TO JURISDICTION OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO OVER CERTAIN CASES

Mr. HRUSKA. Mr. President, in June of this year, President Nixon signed the omnibus district judgeship bill, S. 952—Public Law 91–272; 84 Stat. 294. One section of that bill repealed 48 United States Code 863, which granted special jurisdiction to the U.S. District Court for the District of Puerto Rico over certain cases. Cases which had been filed pursuant to that section were to now come under the jurisdiction of the Puerto Rican local courts.

Apparently, the drafters of S. 952 were under the impression that there were no cases currently pending in the Federal court pursuant to that section. It now appears that some 400 cases were on the docket of the U.S. district court under the authority of Section 863. There was no savings clause in the judgeship bill so that the repeal became effective immediately. This terminated the jurisdiction of the Federal court over these cases. This bill would restore Federal court jurisdiction for the purpose of completing those cases. Rather than require the litigants to institute suit in the local courts, which would require the translation of all documents from English to Spanish and work other hardships such as delay and additional expense, I am today introducing this bill to continue the special Federal jurisdiction over these 400-odd pending cases. A similar bill, H.R. 18761, has been introduced in the other body by the Resident Commissioner of the Commonwealth of Puerto Rico (Mr. CÓRDOVA).

At this point, I ask unanimous consent to have printed in the RECORD the text of a letter I received from Mr. CÓRDOVA explaining the need for this legislation, together with the text of the bill.

I send the bill to the desk, with the request that it be appropriately referred.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the RECORD, as requested by the Senator from Nebraska.

The bill (S. 235) to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act entitled "An Act to provide for the appointment of additional district judges, and for other purposes", approved June 2, 1970 (Public Law 91–272; 84 Stat. 294), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; however, nothing in this section shall impair the jurisdiction of the United States District Court for the District of Puerto Rico to hear and determine any action or matter begun in the court on or before June 2, 1970."

The letter, presented by Mr. HRUSKA, is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 11, 1970.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: On June 2, 1970, Public Law 91–272 was enacted. Among other things, it repealed 48 U.S.C. 863, a particular section which granted special jurisdiction to the U.S. District Court for the District of Puerto Rico over certain cases. This jurisdiction was broader than the ordinary diversity jurisdiction of 28 U.S.C. 1332.

However, no savings clause was put into Public Law 91–272 so that the repeal of Section 863 became effective immediately. This affects over 400 cases which had been filed in that court in which jurisdiction was invoked under Section 863. Even though many of the litigants will have the local courts available as a forum, they will have to start their proceedings all over again, and this will cause substantial additional expenses and delays. In addition, the litigation will be in Spanish so that all documents will have to be translated.

I understand that a savings clause such as proposed in my bill would have been put into Public Law 91–272 except for the fact that the proponents of the bills felt that Section 863 was never used and therefore they did not consider the possible effect on pending cases. Certainly there was no urgent reason for repealing Section 863, which has been on the books, and in use, for some 70 years, hence no reason for throwing out of the Federal Court all cases filed under Section 863 and pending when it was repealed.

Because of the uncertainty that this has brought to the parties involved, I would like to see prompt action on my bill. If you agree with me that my bill is the only equitable solution to the problem created for affected parties, I hope you will favorably consider sponsoring it yourself on the Senate side.

With warm regards, I am

Sincerely,

JORGE L. CÓRDOVA.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock p.m.) the Senate adjourned until tomorrow, August 13, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 12, 1970:

FEDERAL TRADE COMMISSION

Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1969, vice Caspar W. Weinberger.