I need not remind you that we cannot make steel without using scrap. In 1969, American steel production by means of the Open Hearth and Bessemer Processes totaled 60,934,000 tons. Scrap makes up from 40 to 60 percent of the Open Hearth materials charge. Basic Oxygen Furnace steel production in 1969 totaled 60,212,000 tons. Scrap makes up 30 percent of the materials charge into the BOF. Electric furnace steel production in 1969 was 19,924,000 tons. Scrap makes up 30 percent of the materials charge into the BOF. Electric furnace steel production in 1969 was 19,924,000 tons. Scrap makes up well over 95 percent of the electric furnace charge.

In all, during 1969, scrap steel consumption by American steel producers totaled 76.7 million tons. To demonstrate the cost effect of scrap price increases during 1969, alone, we need only consider that in 1968, approximate cost of the 3,489,000 tons of No. 2 bundles purchased by steel producers was $80.9 million; in 1969, 3,707,000 tons of No. 2 bundles were purchased at an approximate cost of $114.3 million, an increase of some $33.4 million.

As serious as this added financial pressure is, it is only part of the problem. We are now concerned about maintaining adequate reserves of this vital material.

Currently, we are at that time of year when our domestic scrap supplies should be building. Yet, they are not. We now have dropped to a scrap-inventory position of just 5 million net tons, a 3½-week supply. I leave to your appreciation what effects an unexpected interruption—a transportation strike, or a processors' strike, or an auto strike—could have on this scrap position. I need not remind you that we can't make steel without scrap. So, inadequate scrap supplies jeopardize both the jobs of people who make steel, and steel supplies on which our basic domestic and military positions both depend.

It was to insure adequate scrap supplies that basic criteria were set forth on the Export Administration Act of 1969. Three of these were:

A. to alleviate current shortages of basic raw materials, particularly ferrous scrap;

B. to reduce inflationary pressures on the domestic economy; and

C. to protect jobs of employees in steel plants and foundries.

I feel strongly that the time has come for the Department of Commerce to apply provisions of this act. Specifically, my company shares the industry conviction that Commerce immediately impose controls on export of all grades of iron and steel scrap for a minimum period of one year. These controls should limit monthly exports approximately the 1966–68 annual averages of 6.7-million net tons.

Since the need is so pressing; since the authority wisely has been provided in prior legislation—we feel most justified in asking that you urge Secretary Stans and Chairman Paul W. McCracken, Council of Economic Advisors, to review and without delay act, upon industry recommendations.

I recognize that America's international trade position must always be considered. But at the same time, I feel a 6.7-million net ton level would serve realistic requirements of that position without imposing undue hardship on American companies, their employees and their customers.

Further, I recognize the pressures upon your time, especially at this point in the session, but a solution to this problem is too necessary for me to avoid the risk of imposing on your time. With best personal regards, I am.

Sincerely yours,

ALLISON R. MAXWELL, Jr.,
Chairman.

TRIBUTE TO VINCE LOMBARDI

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MURPHY of Illinois. Mr. Speaker, it gives me great pleasure to join with my colleagues in paying tribute to Vincent Lombardi, coach of the Washington Redskins and a great American. Throughout his association with football Mr. Lombardi has displayed the qualities of excellence, courage, discipline, and dedication that are so important not only on the football field but in every aspect of life.

Vince Lombardi first came to public attention as one of the "Seven Blocks of Granite" at Fordham University. He later served as assistant coach to Col. Earl "Red" Blaik at West Point and then as offensive line coach with the New York Giants. In 1958 he left New York to become head coach of the Green Bay Packers and this was where the "Lombardi legend" really began.

Vince Lombardi has become renowned not only for the winning record he compiled as head coach at Green Bay but also for the way in which his players were willing and eager to play their best to win for him. In just one season as head coach of the Washington Redskins, he was able to inspire this same feeling in the players on the Redskin team and give new hope and pride to football fans in Washington. As one who has been a fan of the National Football League since its very early days I know that he is loved and respected by players and fans, no matter where their team loyalties may lie.

Mr. Lombardi is now in the hospital resting after two serious operations. I know that his courage and faith will help him win this battle as they have helped him win so many before.

The thoughts and prayers of both Mrs. Murphy and myself are with him for a fast recovery.

SENATE—*Wednesday, August 19, 1970*

The Senate met at 9:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Let us pray this morning in the words of the late Reverend Frederick Brown Harris:

"O merciful God, whose law is truth and whose statutes stand forever, we beseech Thee to grant unto us, who in the morning seek Thy face, the benediction which a sense of Thy presence lends to each new day. Unite our hearts and minds to bear the burdens that are laid upon us.

"In the vast difficulties confronting the makers of peace in these days so full of tension, restore and strengthen and sustain our souls and lead us in the paths of righteousness: for Thy name's sake.

"We seek in Thy presence a saving experience of inner quiet and certainty.

"With clear eyes, may we see Thee as our Father, our fellows near and far as our neighbors, and ourselves as our brothers' keepers. In that vision splendid of divine fatherhood and of human brotherhood, may we dream our dreams, fashion our lives, enact our laws, build our Nation, and plan our world until this shadowed earth, which is our home, moves in the orbit of Thy redeeming love.

"We ask it in the hallowed name of Him for whose coming kingdom we pray. Amen."

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, August 18, 1970, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from South Dakota (Mr. McGOVERN) is recognized for not to exceed 30 minutes.

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

Mr. McGOVERN. I yield.

THE STANDING ORDER ON CALLING OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, Senators will note that the Daily Digest does not state with regard to the program, in accordance with the standing order of Monday, that the call of the calendar of any unobjected-to bills which have been cleared on both sides would be undertaken on each legislative day prior to the recognition of Senators pursuant to special orders.

I want to explain this as an inadvertence on my part and as being due to force of habit. On yesterday, when I asked for a special order for recognition of the able Senator from South Dakota (Mr. McGOVERN), I failed to recall that the Senate had entered into a standing agreement on Monday under which the call of the calendar of unobjected-to bills would occur immediately after the disposition of the reading of the Journal

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on each remaining legislative day of this session.

I make this explanation so that the majority leader and the acting minority leader will both understand the oversight.

Mr. President, it is my understanding, on the authority of the majority leader, that any unobjected-to bills cleared on both sides today may be called up later during the day following the vote on the pending Brooke amendment and special orders for the recognition of Senators.

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

Mr. BYRD of West Virginia. The Senator from South Dakota has the floor.

Mr. McGOVERN. I yield.

Mr. WILLIAMS of Delaware. Does that mean that later in the day there will be a calendar call; that we will lay aside the pending bill, and take up the calendar bills?

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

Mr. McGOVERN. I yield.

Mr. MANSFIELD. Only because of the inadvertence. Because of the failure to make the announcement, we think that the pending bill may be laid aside and those measures taken up. As a matter of fact, I do not know that there are any such bills to be called up.

Mr. WILLIAMS of Delaware. I do not know, either, but I think it would be a bad procedure to follow. Therefore, I will now file an objection to calling up unobjected-to bills today. I think it would be much more orderly procedure if we knew in advance when they were going to be called up, because if they are to be called up at any time during the day, we would be back to the old procedure.

Mr. BYRD of West Virginia. I am embarrassed because of my inadvertence. I will make sure it does not happen again.

Mr. WILLIAMS of Delaware. We all understand.

NEW TEXT OF AMENDMENT TO END THE WAR

Mr. McGOVERN. Mr. President, I have asked for time today, on behalf of myself and Senators HATFIELD, CRANSTON, GOODELL, and HUGHES, so that we might announce to the Senate our intention to substitute revised language for the present version of amendment No. 609, widely known as the amendment to end the war.

I want to note, first of all, that the concept of setting a legislative timetable for withdrawal of U.S. forces from Vietnam was first proposed by Senator GOODELL in his bill, S. 3000, introduced in September of 1969. That plan, which I had the privilege of cosponsoring, would have barred the use of funds for maintaining any troops in Vietnam beyond December 30, 1970. Senator GOODELL deserves special recognition for his initiative and for his important contribution to the creation of a viable, responsible means of ending our involvement in Vietnamese affairs.

Our present joint effort—introduced first on April 30 of this year and in slightly different form on May 5—builds on the time-certain disengagement concept with several strengthening variations. The language we are announcing today further clarifies and consolidates the essential provisions of those proposals.

This new draft retains the central purpose of the original version—the establishment of a definite timetable for the withdrawal of all American forces. We continue and reaffirm our conviction that unless such action is taken we must accept the dismal prospect of many more years of brutal and futile warfare. We suggest further that our proposal will reestablish the joint control by the President and Congress over military affairs which was contemplated by the Constitution.

Because several months time have passed since we first introduced the amendment, we have moved the deadline for withdrawal of American troops from June of 1971 back to December of 1971. On this point it is significant that a Harris survey published earlier this week, reflects strong majority support for legislative action to require complete withdrawal by the end of 1971 by respondents expressing an opinion. Some 44 percent of those polled favor withdrawal through congressional action of all U.S. troops from Vietnam by the end of 1971. Only 35 percent oppose this plan, with 21 percent unsure.

The revised language deletes a provision in the original version which would have limited funds to specified purposes after December 31 of this year. We intend no interference with the President's authority to conduct the withdrawal with full tactical flexibility. If there has been any concern over the relationship between our amendment and Commander in Chief powers, it should be quickly dispelled by this change.

The original version assured that funds would remain available past the withdrawal date for assistance to South Vietnam in amounts separately authorized, for arranging the release of prisoners of war, and for the provision of asylum for any South Vietnamese who might be physically endangered by the return of American troops. Those provisions are retained.

As was made painfully clear by the action in Cambodia, the conflict with which our amendment concerns itself must be regarded as regional in scope, including all of Indochina. The new language treats it as such, substituting a single uniform termination date for any military activities by U.S. forces in or over any of the three countries, Laos, Cambodia, and Vietnam. This replaces the separate dates we had previously proposed.

The new language places special emphasis on the search for means to assure joint executive-legislative responsibility over any further actions in Indochina. The Senate vote to repeal the Gulf of Tonkin resolution, seen by many as the sole source of Presidential authority to use military force in Vietnam, underscores the need for a new definition of policy, developed through the collaboration of the White House and the Congress.

The revised amendment incorporates specific procedures for that purpose. It calls upon the President to submit to the Congress any recommendations he might have on the conflict, along with his evaluation of the withdrawal process set by the amendment and any requests for further authority which he deems appropriate. They would be considered by the military and foreign affairs committees of the Congress, which would, in turn, report to the House and Senate, respectively.

It is clear that congressional responsibilities and powers on issues of war and peace are much broader than the simple power to declare war. The amendment itself would implement other constitutional provisions, primarily the power to raise and support armies and the obligation to review all military actions at least once every 2 years.

We have, therefore, eliminated any superfluous reference to a declaration of war in Indochina, and propose instead the use of the more flexible and limited vehicle of a joint resolution for action the Congress might take subsequent to adoption of the amendment. This procedure could, for example, be used upon a determination that additional time might be needed to assure that the withdrawal is completed with maximum safety.

What we seek by this amendment, in short, is to restore a measure of constitutional government to this body and to our parliamentary system.

Before I yield to the Senator from New York, Mr. President, I wish to make one side observation about some of the comments that were made by the Vice President earlier this week with respect to the integrity and the patriotism of Members of this body.

The Vice President said he was not questioning our patriotism, but only our judgment in offering this amendment. I want to underscore the patriotic character of the sponsors of this amendment by stating that more than 80 percent of them are combat veterans who have participated in war at firsthand, some of it very bloody combat, one cosponsor, the Senator from Hawaii (Mr. INOUYE) having lost an arm in World War II.

But whether the sponsors are veterans or not, all of them seek to restore constitutional government. They seek to establish a date certain, so that we can stop the killing in Vietnam, stop the killing in Indochina, stop the bloodbath that is now in progress there, and bring this war to an end.

Mr. President, in order to further clarify the specific changes we have made, I ask unanimous consent that the text we are announcing today be printed at this point in the RECORD, followed immediately by the version introduced on May 5 and the one Senator HATFIELD and I originally proposed on April 30.

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

AMENDMENT 609—AMENDMENT TO END THE WAR—NEW LANGUAGE

Section . (a) No part of any funds appropriated pursuant to this Act or any other law shall be used after December 31, 1971,

to maintain or introduce any military personnel of the United States in or over Indochina, unless the Congress (after examination of the recommendations to be submitted under subsection (c) of this section) shall by joint resolution specifically otherwise provide.

(b) Nothing in this section shall preclude the otherwise authorized use of funds in connection with Indochina for provision of assistance in amounts and for purposes specifically authorized by the Congress, for the release of prisoners, and for the arrangement of asylum for Indochinese who might be physically endangered by the withdrawal of United States forces.

(c) Within sixty days after the date of enactment of this Act, the President shall submit to the Congress his recommendations of United States policy in Indochina, including his assessments of both the military and political consequences of the withdrawal required pursuant to subsection (a) of this section, his recommendations on steps to secure the release of United States prisoners of war, and his evaluation of the ability of United States forces to conduct a safe and orderly withdrawal from Indochina by December 31, 1971. It is the sense of Congress that such recommendations (and such supplementary recommendations as the President may elect to submit at a later time) should be examined in the Senate by the Committees on Armed Services and Foreign Relations and in the House by the Committees on Armed Services and Foreign Affairs and that such committees should report their recommendations to the Senate and House respectively.

(d) For purposes of this section, the term "Indochina" shall mean North and South Vietnam, Laos, and Cambodia.

AMENDMENT NO. 605

On page , line , insert the following:

SEC. . (a) Unless there has been a declaration of war by the Congress with respect to any conflict in Vietnam, no part of any funds appropriated pursuant to this Act or any other law shall be expended in connection with such conflict after December 31, 1970, for any purpose other than to pay costs relating to the withdrawal of all United States forces, to the termination of United States military operations in that country, to the arrangement for exchange of prisoners of war with the Government of North Vietnam, to the provision of food and other nonmilitary supplies and services for the welfare of the Vietnamese people, and to arrangements for asylum in friendly countries for Vietnamese who might be physically endangered by the withdrawal of United States forces.

(b) Unless there has been a declaration of war by the Congress with respect to any conflict in Laos, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish, after December 31, 1970, to Laos or to personnel of Laos any defense article of any military assistance or advice.

(c) Unless there has been a declaration of war by the Congress with respect to any conflict in Cambodia, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish to Cambodia or personnel of Cambodia any defense article or any military assistance or advice.

(d) For purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

AMENDMENT NO. 609

On page , line , insert the following:

SEC. . (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: *Provided*, That funds may be expended as required for the safe and systematic withdrawal of all United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces *And provided further*, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

Mr. GOODELL. Mr. President, the Senator from South Dakota and I have joined as coauthors of this amendment, together with Senators HATFIELD, CRANSTON, and HUGHES, in announcing a revision of the wording of the amendment to end the war.

The basic language of the revision—barring use of funds for maintenance or introduction of U.S. forces in or over Indochina after a specified date—is language that I prepared. It adopts the concept—and utilizes the format—of my original Vietnam bill, S. 3000, proposed last year. That bill was the first legislation introduced in Congress to prohibit the expenditure of money for keeping any U.S. military personnel in Vietnam after a stated deadline.

I would emphasize that this group of Senators has been unvarying in embracing that concept of cutting off funds by a fixed date in the future, in order to establish congressional responsibility in ending the war.

The revised language prohibits the expenditure of money to maintain or introduce any military personnel of the United States in or over Indochina after December 31, 1971. Indochina is defined as North and South Vietnam, Laos, and Cambodia.

Mr. President, there may be some question about pushing the termination date back to December 31, 1971. I would emphasize however, that from the very beginning, in September of 1969, it was my conviction, that it would take about a year to withdraw all our forces from Vietnam in an orderly and safe manner. That is why, in the original S. 3000, I proposed a fixed date for withdrawal, a little over a year from the time I introduced S. 3000. That is why, last spring, when the five of us, subsequently joined by a total of 24 including the original five, cosponsored the amendment to end the war, we fixed the date approximately a year hence from the introduction of the legislation, taking account of the time that would be required for passage of the amendment.

Mr. President, when I introduced my bill last year, President Nixon said it was defeatist, that he wanted to get the troops out sooner than December 31, 1970. We all want to see our troops out sooner. We all devoutly wish that that could come about. But from the beginning, it has been our position—certainly it has been my position—that Congress should exercise its responsibility in this area in a reliable, sober, and responsible fashion. We could not simply call for immediate withdrawal, because immediate withdrawal was obviously impossible. We feared that those who demanded immediate withdrawal might really find themselves, 2 or 3 years hence, still shouting "Get out now" while our troops still remain there. S. 3000, the blueprint for the amendment, was an attempt to present a feasible means for Congress to exercise its direct responsibility in matters of war and peace.

Unfortunately, the comments of the Vice President in the last few days would indicate, I fear, that the administration is moving toward a confrontation—I believe an unnecessary confrontation—with Congress on this issue. I think it would be far better if the administration had recognized that what the sponsors of the amendment to end the war are saying to the administration is, "Yes, we hail your reversal of policy in Vietnam. We hail the fact that we have started to deescalate and withdraw troops. Any President must bear considerable onus in dealing with this chaotic situation in South Vietnam and Southeast Asia. However, Congress stands ready to share that responsibility with the President. This should not be a political or partisan matter. Almost all Americans today concede that, the war was wrong yet we find ourselves bogged down there, unable to withdraw."

Mr. President, I believe it is important that the amendment to end the war be passed by the U.S. Senate. The revision which we are offering makes it clear that U.S. bombing missions over Vietnam as well as Laos and Cambodia must cease by the termination date of December 31, 1971, and thus plugs a loophole in the existing language, which failed to expressly bar bombing missions over Vietnam from Thai or Guam bases. The revision also omits the language which was added to the amendment to end the war but was not included in my original bill, S. 3000. This language makes reference to Congress declaring war as a preface to the amendment to end the war. We said that, in the absence of a declaration of war, all troops must be out by the fixed date set forth in the amendment to end the war.

The revision thus makes it clear that the sole objective of the amendment is to secure U.S. disengagement from Indochina. The power to declare war is reserved to Congress under the Constitution, in any case. Certainly by putting in

that preface, we did not imply that we would recommend any circumstance known to us or anticipated by us in Southeast Asia, and reason for a declaration of war.

The revision creates a mechanism to give Congress the full benefit of the President's recommendation and advice in deciding upon any extension of the deadline.

It authorizes Congress to extend the termination date by joint resolution—after considering recommendations of the President. The President is required to submit his recommendations within 60 days after enactment, and may submit supplemental advice at any time of his choosing.

These Presidential recommendations would include his assessment of the military and political consequences of withdrawal, his analysis of the ability of U.S. forces to be withdrawn in a safe and orderly manner by the termination date, and his proposals as to the steps to be taken to secure the release of U.S. prisoners. The President's recommendations would be referred to the House and Senate Committees on Armed Services and Foreign Relations, which would be required to report to the Senate and House, respectively.

The ultimate decision of whether or not to extend the deadline, however, would remain with Congress, in accordance with its constitutional responsibility.

Like the existing language, the revised amendment would allow the expenditure of funds for the provision of economic and military aid, the return of prisoners, and the provision of asylum for Indochinese—provided these expenditures were authorized elsewhere.

The revised language establishes a single clear withdrawal deadline for all Indochina instead of the three separate deadlines now in the amendment. Recent events in Cambodia have shown that the war is one conflict that ignores national boundaries within Indochina. This makes separate withdrawal timetables for Vietnam, Laos, and Cambodia impracticable. A single withdrawal timetable for all Indochina is needed, and that is what the revised language provides.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the revised amendment, the text of the original amendment to end the war, and the text of my original bill, S. 3000.

There being no objection, the text of the amendments and bill was ordered to be printed in the RECORD, as follows:

AMENDMENT TO END THE WAR—NEW LANGUAGE

"SECTION . (a) No part of any funds appropriated pursuant to this Act or any other law shall be used after December 31, 1971, to maintain or introduce any military personnel of the United States in or over Indochina, unless the Congress (after examination of the recommendations to be submitted under subsection (c) of this section) shall by joint resolution specifically otherwise provide.

"(b) Nothing in this section shall preclude the otherwise authorized use of funds in connection with Indochina for provision of assistance in amounts and for purposes specifically authorized by the Congress, for the release of prisoners, and for the arrangement of asylum for Indochinese who might be physically endangered by the withdrawal of United States forces.

"(c) Within sixty days after the date of enactment of this Act, the President shall submit to the Congress his recommendations on United States policy in Indochina, including his assessments of both the military and political consequences of the withdrawal required pursuant to subsection (a) of this section, his recommendations on steps to secure the release of United States prisoners of war, and his evaluation of the ability of United States forces to conduct a safe and orderly withdrawal from Indochina by December 31, 1971. It is the sense of Congress that such recommendations (and such supplementary recommendations as the President may elect to submit at a later time) should be examined in the Senate by the Committees on Armed Services and Foreign Relations and in the House by the Committees on Armed Services and Foreign Affairs and that such committees should report their recommendations to the Senate and House respectively.

"(d) For purposes of this section, the term 'Indochina' shall mean North and South Vietnam, Laos, and Cambodia."

AMENDMENT TO END WAR—OLD LANGUAGE

SEC. . (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: Provided, That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces: And provided further, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

ORIGINAL GOODELL VIETNAM BILL, S. 3000

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 602A. Presence in Vietnam.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970 to maintain military personnel of the United States in Vietnam."

Mr. McGOVERN. Mr. President, on Monday, August 17, the New York Post published the results of a Harris poll indicating that a majority of the American people now favor this amendment. Curiously enough, the sponsor of the poll, Mr. Harris, actually described it as a resolution of Congress calling for withdrawal from Vietnam by the end of 1971. So he had the revised language even before it was offered, and it is good that he did, because this gives us a test on the new language that is referred to as the resolution introduced by the Senators who are now in the Chamber.

By a vote of 44 to 35 percent, "a plurality of the public would favor a congressional resolution 'requiring that all U.S. troops be withdrawn from Vietnam by the end of 1971.'"

So, for those who follow public opinion polls with some interest, I ask unanimous consent to have the article printed at this point in the RECORD.

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

HARRIS: MOST FAVOR VIET PULLOUT BY 1972

(By Louis Harris)

The desire on the part of the American people to see U.S. involvement in the Vietnam war liquidated runs so deep that, by 44 to 35 per cent, a plurality of the public would favor a Congressional resolution "requiring that all U.S. troops be withdrawn from Vietnam by the end of 1971." Such a resolution has been put forth in the Senate by Republican Mark Hatfield of Oregon and Democrat George McGovern of South Dakota.

On the other hand, when asked about the amendment offered by Sens. John Sherman Cooper (R-Ky.) and Frank Church (D-Ida.) which would have prohibited the President from spending military appropriations on U.S. troops in Cambodia, the public came down in opposition by 44 to 34 per cent. The Cooper-Church amendment passed the Senate, but was defeated in the House.

CAMBODIA AND NIXON

The difference in public reaction to these two measures illustrates graphically the state of public opinion following the U.S. ground operations in Cambodia. Despite widespread initial doubts about the Cambodian move, Nixon made good his promise to take American ground troops out by the end of June, and public confidence was restored in the viability of his pledge to withdraw 150,000 troops from Vietnam by next May.

The American people seem to be saying that they are willing to back the President's judgment as long as he gives assurances that it will pave the way for further troop withdrawals and an end to U.S. involvement in Vietnam.

The depth of feeling that this country should get out of Vietnam can be seen in the support for the Hatfield-McGovern resolution. It is ironic that although enough votes were mustered in the Senate to pass the Cooper-Church amendment, the Hatfield-McGovern resolution has been lagging for want of such support.

The patterns of public support and opposition to the resolution requiring withdrawal of all U.S. troops by the end of 1971 captures much of the deep division that exists across the country on the war itself. A substantial number of Americans are undecided on the issue, and neither side has a clear-cut majority.

A cross-section of 1300 households was asked between July 25–30:

"It has been proposed that Congress pass a resolution requiring that all U.S. troops be withdrawn from Vietnam by the end of

1971. Opponents say such a resolution would tie the hands of the President. Would you favor or oppose a resolution in Congress which would require all U.S. troops to be withdrawn from Vietnam by the end of 1971?"

WITHDRAW ALL U.S. TROOPS FROM VIETNAM BY END OF 1971

[In percent]

	Favor	Oppose	Unsure
NATIONWIDE			
By region:			
East	54	26	20
Midwest	45	37	18
South	38	39	23
West	36	40	24
Border States	41	39	20
By politics:			
Republicans	37	42	21
Democrats	46	32	22
Independents	51	38	11
By sex:			
Men	39	45	16
Women	49	26	25
30-49	43	38	19
Under 30	55	31	14
30-49	43	38	19
50 and over	36	36	28

By regions, the East and Midwest combine to provide a plurality in support of the Hatfield-McGovern resolution, despite opposition from the South and the West. Republicans tend to oppose total liquidation of the war by the end of 1971, while Democrats are inclined to favor it. But the marginal difference tipping the scales can be found among people who view themselves as Independents in their politics. Nixon and Wallace voters in 1968 are against the measure, but Humphrey voters are heavily for it.

SEX, AGE SPLIT

Perhaps the most significant divisions, however, are along sex and age lines. Men are opposed to legislation requiring an end to the war before 1972, but women favor such a bill by a wide margin. Older people split down the middle, but those under 30 are heavily for the Hatfield-McGovern bill.

On the Cooper-Church amendment, the balance was tipped the other way, by switches among residents of the Midwest, Democrats and those in the 30-49 age group. Independents, women, young people, and residents of the East stood their ground in support of both Cooper-Church and the Hatfield-McGovern resolution.

This analysis points up that the division over Vietnam at home is close and by no means do either the all-out proponents or opponents of the President's policy have a commanding position. The key turning point in the battle for public opinion clearly will be over the question of U.S. troop withdrawals and whether Nixon is liquidating American involvement in Vietnam fast enough to suit the public's desire to bring American fighting men back home.

Mr. GOODELL. Mr. President, will the Senator yield on that point?

Mr. McGOVERN. Yes.

Mr. GOODELL. Mr. President, I think it is important, when we look at polls, to recognize that the American people do not know about the alternatives available to them for ending the war. They want peace, overwhelmingly. That is clear from every poll that has been taken.

I recall that last year, with respect to my bill, S. 3000, Mr. Gallup conducted a poll that showed that 57 percent of the people favored it and 31 percent opposed it—about a 2-to-1 margin.

The poll by Mr. Harris indicates that a substantial majority of the American people, favor the amendment we have offered in its revised form. But I would say there is a great difference between a poll on a specific suggestion such as this—with a specific date named, and a mandate that Congress exercise its constitutional responsibility to end this war by that date—and support of the President.

Mr. McGOVERN. The Senator is correct.

Mr. GOODELL. This is the case because the American people do not know what the President's plan is. They know that it is a gradual withdrawal. They do not know whether there are any specific dates, other than interim dates the President has already announced.

Thus, a poll of this nature lends specific support for Congress ending the war by a specific date—acting legislatively to do so.

Mr. McGOVERN. I think the Senator's point is well taken.

I yield to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from South Dakota.

Mr. President, I join with my colleagues this morning, Senator McGOVERN, Senator GOODELL, Senator CRANSTON, and Senator HUGHES, in submitting the new language or the modified language of our amendment to end the war.

I wish to draw attention to one particular aspect of this amendment which I believe is of crucial importance. That is the provision enabling the administration to present to the Congress its own plans and recommendations with respect to Vietnam, and for Congress to examine through its duly established committees the whole issue of disengagement from Vietnam. We all know that there are great uncertainties and complexities involved in the future of our policy in Vietnam. We know that in establishing guidelines for future policy, we need to have careful and thorough examination of all these issues. We cannot correct a mistaken policy of the past by a hasty or rash decision about our policy in the future.

That is why we have proposed that a procedure of hearings be established in order to examine in depth the considerations relating to our future policy.

All of us in Congress want there to be the proper constitutional balance between the legislative and executive branches as we formulate our course of action in Indochina. In particular, we have been searching for the method and procedure by which Congress should play its part, and fulfill the constitutional responsibility it has so long neglected in this process.

We believe that this amendment provides for that opportunity. It puts forth a procedure by which Congress shall play its role, in cooperation with the executive branch.

Seen in this way, the amendment sets forth the goal for our complete disengagement from Indochina at the end of 1971. But more important, it maintains that such a deadline shall be no inflexible or unalterable time; instead, that timetable is actually made contingent upon the process of hearings that are set forth, and upon full consideration of the administration's recommendation and viewpoints. This time frame can be changed simply by a joint resolution of Congress—the same vehicle that was used, in fact, for the Gulf of Tonkin resolution.

Thus, it cannot be said that this amendment in any way hinders our flexibility.

Rather, the amendment advocates the following: If the administration finds it necessary to maintain our troops in Indochina beyond 1971, then Congress should be told why this is necessary, and must give their approval by joint resolution.

In my mind, that is an utterly reasonable approach. It puts forth the time frame for withdrawal that is favored by the majority of the American public, as indicated by the Harris poll and other polls. It allows for Congress to play its Constitutional role. And it provides that our future policy in Vietnam shall be established in a clear and concise manner, restoring our constitutional integrity allowing us to bring this tragic chapter of our Nation's history to a reasonable and perhaps even redeeming conclusions.

Mr. McGOVERN. Mr. President, I believe that completes our time.

I do want to take 1 minute to commend the Senator from Oregon for the excellent statement he made yesterday—a most thoughtful and courageous statement.

I yield back the remainder of my time.

PRISONER-OF-WAR FATE STILL UNCERTAIN

Mr. HATFIELD. Mr. President, it is the middle of the monsoon season in Southeast Asia—a time of torrential rains and steaming heat. The season of dreary, damp heat adds to the discomfort and malaise of those hundreds of Americans who are held in grimly unpleasant detention by the North Vietnamese Communist regime. Their quarters are cramped and their shelter inadequate. They suffer unendurable hardships and do so with little complaint.

We must at all times bear in mind the conditions under which these men exist. We must continue our every effort to win their earliest possible release. Until such time as they are rescued we must do all in our power to make their tenure in prison more comfortable by restoring communications between them and their families on a normal, nonpropaganda basis.

So long as these men are held prisoner, we must not forget them.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The ACTING PRESIDENT pro tempore. The hour of 10 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

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 the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 821 of the Senator from Massachusetts (Mr. BROOKE).

Time is now under control. Who yields time?

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll, and the time will be charged equally to both sides.

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR—UNANIMOUS-CONSENT REQUEST

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

Mr. BROOKE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that today, during consideration of the amendment offered by the able Senator from Massachusetts (Mr. BROOKE), all staff personnel be excluded from the floor and the lobbies, with the exception of the staff of the Secretary of the Senate, the staff of the Sergeant at Arms, the staff of the majority and the minority and the assistants thereof, the office personnel of the able Senator from Massachusetts (Mr. BROOKE), who is the author of the amendment, members of the Armed Services Committee, and any office personnel that the able Senator from Mississippi (Mr. STENNIS), the manager of the bill, may feel are required to assist him on the Senate floor during debate.

It is, of course, understood that any other Senator could, by unanimous consent, get permission for his staff to be on the floor.

I think I should state that a gallery is set aside for staff personnel of Senators and that it would aid, I think, in expediting matters on the Senate floor and would certainly lend to the dignity of the Senate if, on a very controversial vote, such as will occur today at 1 o'clock, the floor could be as clear as possible of staff personnel—certainly those personnel not needed by their Senators in connection with the pending amendment.

Mr. BROOKE. Mr. President, reserving the right to object, is it the intent of the junior Senator from West Virginia that members of the staff be off the Senate floor prior to the vote at 1?

Mr. BYRD of West Virginia. Mr. President, it is the intent of the Senator from West Virginia—and I would so specifically state—in my request to the Chair that the order begin running now and that it extend throughout the period of debate until the vote is announced on the pending amendment.

The Senator understands that I have in my unanimous-consent request reserved the right of the Senator from Massachusetts to have his personnel on the floor of the Senate.

Mr. BROOKE. Yes; I certainly understand that. I am very grateful for the consideration of the distinguished Senator from West Virginia.

Mr. President, this is an important issue. Unfortunately, many Members of the Senate are not in the Chamber at present and will not be on the floor until it is time for the vote.

It is important to me that as many members of the senatorial staff as possible, who might be able to assist their Senators when they come on the floor, hear the debate and be knowledgeable about the issue in all of its ramifications.

I believe that members of the senatorial staff will be quiet and courteous and considerate. They can be seated at all times.

I frankly see no valid reason why, on this particular amendment, we have to clear the floor. Because I feel that way, I respectfully object.

Mr. BYRD of West Virginia. Mr. President, I am sorry that the Senator has objected to the request. As I indicated, a Senator who wishes his staff to be present on the floor could ask unanimous consent. I would interpose no objection.

Staff members can sit in the gallery to my right, which is reserved for staff personnel. They can meet any Senator outside the Chamber at any time he indicates he wishes to see them.

I do this not because of any personal whim or wish. I present this request in the interest only of decorum and order in the Senate.

I sit in the Chamber day after day, week after week, and month after month when important votes occur. I see staff members of Senators sitting on the floor in the rear corner of the Chamber, and running all over the floor, and up and down the aisles.

Mr. President, I have made this request in order to expedite the business of the Senate and in order to preserve dignity and decorum and order in the Senate. It is not done with any desire to inconvenience any Senator.

As all may observe, the request will enable any Senator who wishes his staff to be on the floor to simply ask that they be given permission to enter the Chamber.

I hope the Senator will not again object.

Mr. BROOKE. Mr. President, the able Senator from West Virginia certainly has my respect. I understand his motive in making this unanimous-consent request.

And I agree with the Senator: We want decorum in the Senate. But I would also point out that in my limited time in the Senate, I have observed that many of the problems we have experienced have come, not so much from the senatorial staff, as from the Senators themselves. I say that very respectfully.

Mr. BYRD of West Virginia. The Senator from West Virginia knows that.

The ACTING PRESIDENT pro tempore. I think it is fair to point out that during this colloquy time is running against the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I generally agree with my distinguished and able friend, the Senator from West Virginia. I would certainly go so far as agreeing not to have any staff members sitting on the floor of the Senate. But I feel so strongly that staff members should have the right to listen to this debate, and they cannot always get into the galleries, since the galleries at the last minute are filled, that I must respectfully object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I wonder if the Senator from Massachusetts is aware of the rule which places a duty on the distinguished Presiding Officer, on his own initiative and without request from the floor by any Senator, to enforce the rules and maintain order in the Chamber. By that rule, a Presiding Officer may take it upon himself to exclude staff members, in the interest of order, and no unanimous-consent request is needed.

I certainly hope, in view of the objection that has twice been voiced by the able Senator from Massachusetts (Mr. BROOKE), that the Presiding Officer will exercise his discretion today and will exclude from the Senate floor the clerks of Senators if those personnel are not on the floor in the actual discharge of official duties.

Often we have a request by the able majority leader, the able minority leader, or another Senator to exclude from the Chamber all except authorized personnel. The difficulty with that request is that when the Sergeant at Arms goes to talk to the clerks of Senators congregated in the corners and elsewhere on the floor, they all say that they are authorized personnel. That leaves the Sergeant at Arms uncertain as to his authority to exclude office staff personnel from the Chamber.

I have no objection to any staff personnel being present to aid their Senators. I realize that Senators do need assistance on the floor from their personal staffs at times. But some Senators have been known to have two, three, or four members of their staff on the floor at any one time. Other Senators seldom have a staff member come to the Chamber.

I must say, with all due deference to the staff personnel who do come to the floor, that the majority of them conduct themselves as they should. They sit in the rear of the Chamber and do not run up and down the aisles of the Senate Chamber. However, some staff personnel do abuse their privilege of the floor, and they can abrogate that privilege individually or collectively. Senators should not permit such abuse of the Standing Rules of the Senate.

If the Senator is going to object—and I respect his right to object—and he has twice objected to the request, I hope that the Presiding Officer today will, on his own initiative, take care to see that staff members who are on the floor are indeed here to aid their Senators, and that otherwise they be excluded from the Chamber and the lobby until the vote is announced; and that those staff members who are here stay in the seats at the rear of the Chamber and remain seated.

The ACTING PRESIDENT pro tem-

pore. The Chair says to the acting majority leader that several rulings of the Chair support the view he is expressing, some of which the Chair will quote:

The Vice President, in 1929, expressed the opinion that a clerk was not entitled to the privilege of the floor for the purpose of polling a committee on a matter.

In 1908, the Chair ruled under a strict application of the rule relating to the privilege of the floor, that a committee clerk on the Senate floor reporting, under instructions, to the chairman when a quorum was not in fact present, was not in the actual discharge of his official duties.

The rule is in the negative. It states:

No person shall be admitted to the floor of the Senate while in session, except as follows:

Then a paragraph at the end of the rule reads:

Clerks to Senate Committees and Clerks to Senators when in the actual discharge of their official duties.

I assure both the Senator from Massachusetts and the Senator from West Virginia that there will be decorum in the Chamber so long as this Senator is presiding.

Mr. BROOKE. I have great confidence in the Chair, as I do in the Senator from West Virginia, and as I do in members of the senatorial staff.

Mr. President, considerable time has been expended. This is an important matter. I am well aware that it is important and that the Senator from West Virginia has very strong feelings about this subject. He has voiced them on many occasions. I agree with him that we have had a problem with decorum. I think, however, that we can leave it up to the Chair to use good judgment with respect to whether the floor should be cleared of staff members. I would agree to that.

But I would object, most respectfully again, to unanimous consent on this matter.

Mr. President, is there any possibility the time that has been taken for this discussion might be charged equally to the opponents and the proponents of the amendment?

Mr. BYRD of West Virginia. The Senator has now objected a third time. However, in fairness to the Senator, I think the time consumed should be equally divided because the request which I proposed was a matter of importance to all Senators on both sides of the amendment and on both sides of the aisle.

Mr. President, I ask unanimous consent that the time that has been consumed be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, the time will be equally divided.

Mr. BROOKE. I thank the Senator from West Virginia for his customary fairness. I am grateful.

The ACTING PRESIDENT pro tempore. Objection is heard to the unanimous-consent request of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for 30 seconds?

Mr. BROOKE. I yield.

Mr. BYRD of West Virginia. I assure the distinguished Senator from Massachusetts and all other Senators, that I, as chairman of the Subcommittee on Standing Rules of the Senate of the Senate Committee on Rules and Administration, intend to take up this matter before the full committee tomorrow to see if somehow we cannot tighten up the rules and regulations to guarantee a little more decorum and order in this body on the part of staff personnel of Senators who are permitted in the Chamber.

Mr. BROOKE. I would like to associate myself with the remarks of the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator. I am pleased to know he so associates himself.

The ACTING PRESIDENT pro tempore. How much time does the Senator from Massachusetts yield?

Mr. BROOKE. Mr. President, I yield myself 25 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 25 minutes.

THE BROOKE-M'INTYRE COMPROMISE: DEFENSE IN DEPTH

Mr. BROOKE. Mr. President, the issue before the Senate is one of the most difficult we shall face. How can we find a consensus on a vital issue of national security, an issue in which technical and political and strategic and diplomatic judgments vary widely? I know that every Member of this body is primarily concerned with finding a course which will both protect our Nation's security and promote an early success in the urgent strategic arms limitation talks.

In working to find such a course I wish to propose to the Senate a simple concept. It is one which, in my judgment, most nearly meets the basic objectives of both the proponents of ABM deployment and the opponents of further deployment. The amendment I offer is one which I developed over several months in discussion with colleagues on the Armed Services Committee and with knowledgeable experts in the Department of Defense and elsewhere. It enjoyed substantial support in the committee, and I believe it provides a reasonable basis for a Senate accommodation on this controversy.

The amendment I propose is brief. It reads:

Funds authorized pursuant to this Act for the procurement of anti-ballistic missile defenses may be used only for defense of Strategic forces deployed at Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

This modest geographical limitation takes no money from the President's request. By leaving full funds in the authorization it permits the Defense Department to pursue the option of defense in depth at the first two ABM sites, an option which many of the technical professionals in the Safeguard program themselves preferred to an extension of the system to new sites.

The option of defense in depth has long been considered in the Safeguard program and for a very good reason. Defense in depth at the first two sites enjoys important technical advantages over a simple expansion of the system. By deepening the defense at the initial sites, especially by increasing the number of radars, the serious problem of radar vulnerability is significantly reduced. With additional radars the defense is able to survive much heavier attacks and to protect the Minuteman force to a substantially higher degree.

Thus there is a major technical attraction to this concept. It in fact meets the principal technical objection which has been stated to the proposed deployment.

As one who opposed the deployment of phase I, I remain doubtful about the technical aspects of the Safeguard system and believe we should have the benefit of further experience with the system before making a larger commitment. At the same time, however, I appreciate the concern of the system's supporters that an expanded defense of the deterrent is likely to be required by a growing Soviet threat. Significantly, the Department of Defense is seeking to invest over $50 million in more advanced radars to supplement the large missile site radars proposed by Safeguard. My own preference would be to accelerate work on those radars and deploy them, if necessary, rather than the large and expensive MSR's now being constructed.

Given the fact that Safeguard phase I is being deployed, however, my plan would achieve several important objectives:

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 installed at those two sites, it would increase the likelihood that progress on more advanced technology might permit deployment of improved radars.

The matter is obviously a complicated one, but I believe this amendment comes closest to meeting the objectives of both the opponents and proponents of further ABM deployment.

For those who feel we must go forward with ABM deployment at the rate proposed by the President, this amendment would permit a technically sound and sufficient program to meet the projected threat to Minuteman. It would maintain production lines at the same rate as the committee bill. Thus, it will be evident to the Soviets not only that we are protecting our deterrent but that, if SALT produces no satisfactory agreement, the United States will be able and prepared to expand the ABM deployment as seems necessary. Because of these advantages this plan fully meets both the strategic and diplomatic objectives which the administration has and which all of us, I am sure, respect.

At the same time, for those reluctant to see further expansion of the ABM system at this time, this alternative provides significant restraint. Most impor-

tantly it would mean that we would meet our strategic and diplomatic needs without going beyond the first two sites authorized by the Congress.

This body works best when it follows the line of reason to a sensible compromise. I cannot believe members will fail to see that this is the constructive middle ground for which we have all been groping on this divisive issue.

What I propose is a plan which enhances the prospects of SALT and which provides adequately for the contingency of failure in that historic negotiation.

All of us are concerned with continued expansion of Soviet strategic forces, particularly the large payload SS9 missiles which pose a grave potential threat to the American Minuteman force. The United States cannot permit such a threat to develop without taking suitable countermeasures to guarantee the survivability of sufficient strategic weapons for credible retaliation and confident deterrence. We hope that the strategic arms limitation talks will succeed in establishing strategic stability, but prudence demands that the United States take appropriate measures to guarantee its retaliatory capabilities should the threat continue to expand.

Preferable to a potentially destabilizing increase of American offensive forces, especially at this delicate stage of arms control negotiations, is the addition of further anti-ballistic-missile defenses to protect the Minuteman force. The President has voiced the informed judgment that defense of the deterrent in no way jeopardizes the mutual deterrence on which American and Soviet security rests. In fact it may provide additional incentives for the Soviet Union to enter a substantial arms limitation arrangement. Secretary Laird has testified that the diplomatic value of ABM in the context of SALT depends squarely on the system's contribution to the survivability of American retaliatory forces and not on its capacity to provide thin area defense against possible attacks by countries other than the Soviet Union.

Recognizing the primacy of the strategic relationship between the Soviet Union and the United States, the Armed Services Committee concluded that the United States should not undertake a nationwide area defense which might be misconstrued as the infrastructure for a heavy ABM system. Such a deployment might well trigger compensating increases in Soviet offensive forces and make more difficult the creation of stable security arrangements between the two principal nuclear powers. Thus the committee has already taken a highly constructive step in defining the mission of our ABM as defense of the deterrent. I commend our able and distinguished chairman of the committee and our colleagues for taking this important step.

My own amendment would further emphasize the system's purpose of Minuteman defense. Under this plan additional deployments for fiscal year 1971 would be concentrated at the phase I sites—Malmstrom Air Force Base, Mont., and Grand Forks Air Base, N. Dak. By installing additional ABM radar and computer capability together with a suitable increase in the number of interceptors, the system would provide a progressively deeper defense. The system will acquire the opportunity for so-called preferential defense and other important features to insure the survivability of an adequate number of Minuteman missiles.

As I mentioned, the proposed option has been studied for some time in the Safeguard program. It could consist of the following: A second radar, together with associated computer capability and an appropriate number of defensive missiles, could be installed at Malmstrom and at Grand Forks for defense of the high value Minuteman force there. The crucial advantage of this deployment is that it would impose on a potential attacker an exponential increase in the number of offensive missiles required to attack the defended targets.

By locating an additional radar at each base, together with Sprint missiles positioned to protect either or both of the radars at each base, the defense could choose to protect only one of the radars, if that proved tactically advantageous. Since the Safeguard firing doctrine can be computerized to determine whether such preferential defense should be adopted, a potential attacker would not know which of the radars would in fact be defended, forcing him to target both radars much more heavily than he would have to target a single radar to assure its destruction. Thus radar survivability increases dramatically and with it, the system's capability to insure the survivability of the Minuteman force.

Department of Defense analyses show that such a deployment would provide almost exactly the same degree of protection of the deterrent as the addition of a third ABM site at Whiteman Air Force Base.

Thus, the recommended deployment will meet the President's objectives of insuring a sufficient degree of Minuteman survivability against the emerging Soviet counterforce capability, of maintaining the momentum of the American ABM program should subsequent deployments be required, and of providing clear diplomatic incentives to the Soviet Union for earnest negotiations in SALT.

Precisely how to implement this concept would, of course, be left to the Department of Defense. For this fiscal year the Department could elect to use the available funds to start one additional missile site radar which would provide a total of three MSR's and would mean a substantial increase in capability over the present phase I system. The long-term costs of this would be quite comparable to the proposed Whiteman site. At some additional long-term costs a fourth MSR could be deployed at phase I sites, and would tremendously augment the net survivability of the Minuteman force.

This is exactly the type of contingency plan to which Secretary Laird himself alluded in his letter of August 7 to the distinguished Senator from Washington. The Secretary stressed that—

> Should the threat grow with extreme and unexpected rapidity so that it exceeds the Safeguard defense level before hardsite is available—something we do not predict at this time—we could strengthen the four-site Safeguard defense of Minuteman by deploying more Sprints and more MSRs in the same four Minuteman fields.

This is in substance the concept of defense in depth and it is also workable at the two phase I sites.

As I mentioned earlier, a number of experts in the Safeguard program actually suggested that the first two sites be beefed up prior to expansion to a third and fourth site. The Senate should be aware that the decision to seek a third site at Whiteman was a close technical judgment which was resolved largely on political and diplomatic grounds. In view of this fact, and of subsequent political and diplomatic developments unknown at the time the Whiteman site was proposed—I refer particularly to the close political balance here in the Senate and to the promising evolution of the SALT discussions—there is good reason for us to choose the credible technical option of a deeper defense at the first two sites.

Yet another way of implementing this option would be preferable to many. If the pace of the threat and technological progress permit, it may be possible to accelerate work on advanced radars to supplement the costly MSR's. Those advanced radars are already being worked on, and while there is some difference of opinion as to when they could be ready, they appear to be the best means of deepening the defense. If they were ready in time, then both the short-term and the long-term costs of this option could be less than the proposed extension to the Whiteman site, and system effectiveness could be much superior.

This option was the preferred course even of the O'Neill panel which advised the Department of Defense on ABM deployment options for the coming year. That panel explicitly concluded:

> If the only purpose of Safeguard is defined to be to protect Minuteman, Phase II–A as defined in March 1969 should not proceed.

The panel emphasized that a more cost effective defense of the deterrent can be devised, specifically a dedicated system of hard-point defense using smaller, more numerous, and less expensive radars and computers. The Department itself has repeatedly stressed that the use of Safeguard to defend Minuteman is only sensible in cost terms if the larger area defense is also built. In other words, if one is buying a thin, nationwide defense, then Department of Defense considers the marginal costs of defending Minuteman with this technology acceptable.

Since the time the panel reported and since the time the Department recommended a modified phase II, the Armed Services Committee has itself wisely declined to authorize an area defense. The committee's important decision to restrict ABM deployment to defense of the deterrent certainly underscores the O'Neill panel's recommendation that intensified efforts should be made to perfect a true hard-point defense. Passage of the Brooke-McIntyre amendment would provide a strong inducement in this direction. It is generally recognized that the complex programing for the Safeguard system is the pacing factor; that is, the ultimate deployment schedule depends primarily on how soon the computer programs can be written. With

the greatly simplified programing of a dedicated system, the defense might well be deployed about as soon as the presently planned system can be ready.

I stress, however, that this decision is left to the Department by my amendment. If required by the threat, the Department could do exactly what Secretary Laird described to our able colleague, Senator JACKSON, in his letter of August 7, namely, use existing MSR technology to reinforce the defense at the phase I sites.

To sum up, this amendment would meet the objectives stated by the committee and by the administration but it would do so at the two sites already authorized. It would take no funds from the bill, but would allow their use for defense in depth at Malmstrom and Grand Forks. This would permit the same protection of the deterrent as the addition to the Whiteman site; that is, the same number of surviving Minuteman could be guaranteed under this plan as under that recommended by the committee. Furthermore, production lines would remain open and we would retain all the diplomatic leverage of an ongoing ABM program. The program's momentum would in no way be disrupted and the Soviets would know that, unless SALT succeeds, the United States could readily expand its ABM system. There would be no question that this country is going to do whatever is required to insure that it always has a sufficient retaliatory capability.

When issues are so complex, the debate can easily be lost in murkiness. I believe, however, that Senators who think through this alternative will see that it is a reasonable and responsible course for the Senate to follow. No other plan so completely satisfies the conflicting interests and views which have emerged on this issue.

Let us decide this matter by the light of reason and good will, promoting both the security of our country and the integrity of independent Senate judgment on vital issues. This amendment will meet these objectives. I commend it to my colleagues and to my country.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. Mr. President, may I inquire how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has 79 minutes.

Mr. STENNIS. I thank the Chair. Mr. President, I yield myself 20 minutes.

First, I want to thank the Senator from Massachusetts for his very valuable services to our committee since he has been a Member of the Senate. I thank him, too, for his work on the ABM. Although I think he is going too far in this amendment, he knows much about the subject, and I appreciate his willingness to work on it.

Whatever I say here, I am totally opposed to the amendment, for reasons which I shall state, but nevertheless I pay my compliments to the Senator from Massachusetts as a member of the committee.

Mr. President, everything has its practical side. The cold, hard facts are that after full debate on this entire subject matter, the Senate voted a week ago today, with an unusually high percentage of its membership being recorded—99 out of 100 Senators were recorded, and the other was absent only because of illness—and by a vote of 52 to 47, after considering all of the evidence and all the debate and everything about it, voted for a minimum of four sites for this defensive weapon, ABM, and that approval carried with it the money to carry out a year's program for those four sites. The amount to be expended on the fourth one was very slight, but it is a beginning. The third is the one in which I am vitally interested, because it will add at least 40 percent to our capacity to defend ourselves.

Anyway, the Senate voted for the four sites, with the money provided to carry on the program. Now, 1 week later, without one single change in any relevant fact—certainly no substantial change—no additional information, no event in world affairs, no difference whatsoever, we are asked to say that a week ago we made a mistake, that we want to retrace and retract and take a step backward, and make this only two sites after all.

Mr. President, I do not believe that the Senate will do that. There has been no change in the facts. There has been no change in the recommendations of the President or the Secretary of Defense, who are responsible in this field.

It is a rerun of the same proposition. With great deference to the author of this amendment, I think it would have fit in as a substitute for the Cooper-Hart amendment. There may be reason for it now in the Senator's judgment, and I accept his judgment. I am talking about the legislative standpoint. Whatever place it had has past, and today it is a rerun and a backing up with respect to a position that already has been taken and has been written into permanent record. There is no difference. This amendment does not change the money. It leaves the money in the bill, but says that the money shall not be spent for the third and fourth sites but for something else. With all deference to the Senator, if the money is to be taken from the sites, the money should be taken out altogether. That is just commonsense.

I do not complain about our going the matter again. That is entirely all right. It is part of our system.

Mr. President, I want to discuss again some of the matters on which we based our judgment on a week ago.

We are asked to consider an amendment to the military authorization bill submitted by the distinguished junior Senator from Massachusetts. The proposed amendment would restrict Safeguard deployment to the two phase I sites at or near Grand Forks, N. Dak., and Malmstrom Air Force Base in Montana.

In view of the intense debate on the ABM that has already ensued, and the large number of issues that have been raised and resolved, I believe it would be appropriate at this time to summarize the points that still remain at issue.

THREAT

Underlying any discussion of Safeguard should be an awareness and understanding of the threat.

That is why we are here this morning on this subject. As I reported to the Senate, our committee has examined with concern the continued expansion of Soviet strategic forces which poses a serious potential threat to our land-based deterrent.

The Senator from Kentucky (Mr. COOPER) spoke on that subject. He recognized these continuing developments, and he has more and more concern about them. He said so in the debate.

Their continuing momentum in deploying ICBM's capable of attacking our Minuteman force, together with the ongoing expansion of their nuclear ballistic missile submarine fleet capable of attacking our strategic bomber force, has raised a grave question as to the potential viability of our strategic deterrence—not now, but in the second half of this decade. This is the only time we have in which to get ready for the second half of this decade.

Let us again review the Soviet ICBM force.

Today, the Soviets have about 300 of the monster SS–9's deployed or under construction. It has been estimated—this was predicted last year and was scoffed at by some, but it is confirmed now—that 300 to 500 MIRVed SS–9's could very well give the Soviets the capability for neutralizing virtually all of our Minuteman force if we do not deploy an effective ABM system. I say that is where there is almost complete agreement—that we need an effective ABM system. It is now getting to the point that if size of enemy forces keeps growing against us, we will have to have one to be effective.

In addition, there are in operation more than 800 SS–11's. This is a smaller missile than the SS–9 that with improved accuracy could also have a kill capability against our Minuteman silos.

I recall the days when I did not want to listen to these facts and kept pushing the threat back in my mind; but I had to wake up some time ago, with great regret, to the facts of this threat.

Even if the Soviets should not install additional missile launchers, as they have been doing recently, the present number already deployed or under construction constitutes a delivery capability which, with qualitative improvements—do not ever discount them—would pose a serious threat to our land-based Minuteman deterrent unless we defend it in some way by the mid-1970's. That is what I want Senators to remember. We are not talking about now. We are talking about the mid-1970's, but now is the only time to prepare for it.

We simply cannot watch such a threat develop without taking suitable countermeasures to provide for the continuing survivability of our strategic weapons. We depend on credible retaliation and confident deterrence to prevent nuclear war.

That is our policy, in one sentence. We are not an aggressor nation. We have no plans to fire the first shot. We depend,

instead, on capable retaliation and confident deterrence to prevent a nuclear war. We want them to realize that we do have this deterrent and the capability of protecting it. I think that is the only real defense we have. Let them know that we are ready and that we have everything that is necessary to protect us.

I have said many times in this Chamber that if we give them doubt on that subject, we invite trouble; and it may be that after they have fired the shots, it will be too late on both sides. I think that millions and millions of lives would be lost on both sides should we ever turn these weapons loose against each other. That underscores the necessity for letting them know all the time that there is no weakness about our position or our capacity.

ARMED SERVICES COMMITTEE POSITION

It was for this reason that the Committee on Armed Services supported that portion of President Nixon's request which provided for the continuation of the Safeguard program to those sites devoted to the defense of the deterrent. In doing so, we wished to establish the primacy of active defense to increase the survivability of the land-based deterrent as opposed to increasing our offensive forces to achieve this end. In this regard we shared the President's judgment that defense of the U.S. deterrent in no way jeopardizes the security of the Soviet deterrent and, in fact, provides additional incentives for the Soviet Union to enter a substantial arms limitation agreement.

That is the very thing that is going on now. At long last, it seems that the worm has turned a little, and these two powerful nations of the world are sitting down at a table in earnest, trying to work out a mutual ground. If they do not go more than an inch forward, that is a start. Now, right in the middle of that, are we going to take back from the President's hand—I am not talking about Mr. Nixon; I am talking about the President of the United States, whoever he may be—the position that he has already told them he was standing on? Are we going to take a step backward from what we did last Wednesday? I do not think we want to do that. I do not believe the people want us to do that.

By the same token, the committee affirmed its conviction that there is no compelling need to move now to the deployment of an area defense of our population against a Chinese Communist ICBM attack by striking from the authorization the House-approved administration request to proceed now to advanced preparation of four area defense sites. That is a horse of another color. That is a defense system for another purpose. In our judgment, the prime threat—the threat that today poses the greatest danger to our security—is the Soviet threat to our strategic deterrent. That is where the soft spot is—the threat to our capacity to retaliate with our ICBM's, our influential deterrent. Therefore, our resources should not be diverted from the primary task of defending our deterrent from this threat. That is my answer. That is the committee's answer to all that has been written and said about our recommendation on that point.

In short, the action of the committee recommends—that of authorizing continuation of phase I with additional Sprint missiles for the two phase I sites, authorizing deployment of a third Safeguard site at Whiteman Air Force Base in Missouri, and authorizing advanced preparation of a fourth site at Warren Air Force Base in Wyoming—represents what we sincerely believe to be the minimum response we can make now to meet an urgent need—the minimum response. And, Mr. President, we must make it now—not 1 or 2 years from now, but now. I say this because throughout the past weeks of debate, I got the impression that some of us in this body are either not aware of, have forgotten, or have simply ignored a basic fact of life common to all complex, sophisticated engineering efforts such as Safeguard. That fact of life, Mr. President, is lead-time. We cannot go down to 12th and Pennsylvania Avenue and say, "I want to buy an ABM." We cannot get them that way. We must anticipate, plan, experiment, do research in engineering, testing, and developing further.

I keep hearing suggestions to "wait until phase I is completed," or "wait until we can deploy a better system." These suggestions are all fine in themselves, except that they ignore the fact that there is nothing we can do to make the Russians wait. That waiting has to be a one-way street. They might decide to stop deploying the SS–9; we might reach a satisfactory agreement with them at SALT; they might not upgrade the accuracy of the SS–11 or put MIRV's on the SS–9. Whatever they do, it will be based on their decisions, not ours. If we wait several years, doing nothing in the hope that the Soviets will accommodate us, we are playing real Russian roulette—for stakes we cannot afford.

My whole point, Mr. President, is that we cannot have an ABM defense overnight. We cannot wait until we are sure we need it, and then take items off the shelf, throw them in a truck, and be ready the next morning. We must make decisions now in order to achieve a capability 4 or 5 years from now. If we decide to deploy now, as the committee recommends, and the Soviet threat fails to materialize, then at worst we would have wasted some money. If, on the other hand, we do not decide to deploy and the threat does materialize, we have lost far more than money. We have lost our capability to deter nuclear war. I find that unacceptable. But further, if we do defer and lose this time, our adversaries around the world will realize, before all of us do, what a mistake we have made. It opens the door and invites them to make their plans as against an unprepared America. Regardless of whether they would use their weapons or not, it leaves us open to blackmail of the most vicious and effective kind.

Let us look now at the amendment proposed by Mr. BROOKE, and see how it compares with the committee's recommendation. Since funds are not reduced in the amendment, I must assume that it is permissible to deploy additional Safeguard radars and interceptor missiles at Malmstrom and Grand Forks Air Force Bases, the two we already have now and are working on.

Mr. President, to make the record clear, Senator BROOKE's amendment was considered by the Armed Services Committee and turned down by a large majority, while all of this was fresh on our minds.

EQUAL COST—LESS PROTECTION

If we deploy Safeguard components equivalent in cost to the committee recommendation and under the restrictions of the amendment, we would have a third Safeguard site at either Grand Forks or Malmstrom rather than at Whiteman. Since no analysis or survey work for a second site at either Grand Forks or Malmstrom has been done, this would impose about a 12-month delay in that site's achieving an operational capability. In other words, a 12-month delay beyond the time when the Whiteman site could be operational under the committee proposal. This is because most of the significant analysis required for the Whiteman site had already been accomplished under the old Sentinel program.

In addition to imposing a year's delay, deploying a third site under the restrictions of the amendment would also result in a reduced capability to defend Minuteman. This is caused by two factors—first, because of the shape of the Minuteman fields, the number of Minuteman silos that could be protected by a third site at Grand Forks or Malmstrom would be about 70 percent of the number protected by a site at Whiteman. However, if the funding is the same as the Whiteman cost. I am informed that only about 35 percent of the number of the Whiteman interceptors could be installed at a third site at either Grand Forks or Malmstrom.

Mr. President, that means for an equal cost, we get one-third the protection. That is far from being a cost-effective proposition.

The ACTING PRESIDENT pro tempore. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized for 3 additional minutes.

Mr. STENNIS. Mr. President, I, for one, will not recommend to this body the authorization of funds when it is obvious that we are not getting the most for the dollar.

Mr. President, I shall discuss that part of this matter later. I wish to reserve 15 minutes of time for my own use in closing debate on behalf of the committee.

I yield the floor now, Mr. President.

Mr. BROOKE. Mr. President, will the distinguished chairman of the Armed Services Committee yield to me, to answer some questions?

Mr. STENNIS. I shall be very glad to answer the Senator's questions.

The ACTING PRESIDENT pro tempore. Does the Senator from Massachusetts want to yield a specific amount of time?

Mr. BROOKE. How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. Fifty-four minutes to the Senator from Massachusetts.

Mr. BROOKE. Fifty-four minutes?

The ACTING PRESIDENT pro tempore. Yes.

Mr. BROOKE. And to the Senator from Mississippi?

The ACTING PRESIDENT pro tempore. Fifty-six minutes.

Mr. STENNIS. Shall we begin with 10 minutes equally divided?

Mr. BROOKE. Yes. Mr. President, I yield myself 5 minutes, from my time, with 5 minutes to be taken from the time of the Senator from Mississippi.

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

Mr. BROOKE. Mr. President, does the chairman favor an area defense for the country? Or does the Senator agree that area deployment could well be self-defeating, by forcing the Soviet Union to increase its offensive capabilities to insure that it can retaliate?

Mr. STENNIS. I think, with all deference to the Senator, that is an academic question now. We are not discussing area defense at all under this amendment, or even under the bill.

Mr. BROOKE. Might I point out to the Senator that the House, as I understand it, would grant not only a deterrent defense but also an area defense as well in the bill it passed. If we go into conference with the House with the committee bill, there is a possibility, and perhaps even a probability, that we could end up with area defense. That prompts my question to the distinguished chairman.

Mr. STENNIS. I do not think there is any probability. We would all go to conference to represent the views of the Senate and vigorously represent that position.

My idea is that, everything considered, the high probabilities are that that position would prevail.

I have never been strong for this area defense. However, I do not close the door on it. I do not think that the threat there is imminent.

I think the primary purpose is to put the money on this deployment, as we have now, for these four sites, and perhaps on more.

There is no doubt in my mind about that. That is my purpose. That is what I propose to stay with.

If we are going to go into an area defense that would be debated in the Senate fully. But I do not believe the urgency is there. I do not have really a thought of urgency there. It is something in the future. The Senator is correct. However, this is not the time for it, as I see it.

Mr. BROOKE. Mr. President, is the distinguished chairman aware that the O'Neill Panel which advised the Department of Defense on this year's deployment options concluded that if the system's only purpose was designed to be defense of the deterrent, Safeguard technology is not cost effective and should not be used?

Mr. STENNIS. What was that question?

Mr. BROOKE. The O'Neill Panel advised the Department of Defense on this year's deployment options, and concluded that if the system's only purpose is designed as a defense of the deterrent, the Safeguard technology is not cost effective and should not be used.

Mr. STENNIS. The Senator means it should not be used as a defense for the missile sites we have here?

Mr. BROOKE. The technology should not be used because it is not cost effective.

Mr. STENNIS. The Senator means it should not be used for an area defense.

Mr. BROOKE. That is part of it.

Mr. STENNIS. Yes; I am familiar with that in a general way. It would not be used for area defense. However, we stayed out of the area defense altogether in the committee bill.

I think that when we get into that, we have to weigh a lot of other things. I am concerned about the ICBM's, and I know that the Senator from Massachusetts is, also. That is where our protection is going to be. That is protection for our people through protecting the arsenals.

Mr. BROOKE. Mr. President, I certainly agree wholeheartedly. As I think the Senator will recall, in my statement I not only give credit but also commend my colleagues on the committee for moving away from area defense.

I was raising the question of cost effectiveness.

As I understood the O'Neill conclusion, it was not only referring to area defense, but was also saying that Safeguard technology should not be used in any event.

I wonder if the chairman was aware that the O'Neill panel had reached that conclusion.

Mr. STENNIS. Mr. President, Dr. O'Neill—and I have here the statement that Dr. O'Neill gave in his testimony to the committee subsequent to the report—expressed the opinion that the missile site radar—MSR—would be required.

The O'Neill report did not recommend against Safeguard as a Minuteman system. That is very clear.

Mr. BROOKE. Mr. President, does the Senator acknowledge that the use of Safeguard technology is not cost effective at three sites any more than it is cost effective at two sites?

Mr. STENNIS. No; it is my understanding that the three-site defense is considerably more cost effective than the two-site defense. However, in weighing these matters, the scientists will disagree, cost analysts will disagree, and the budget people might disagree. The fact remains that we need an ABM first for our deterrent defense, and I believe the committee's recommendation is the cost-effective way to go about it.

I frankly think that we cannot weigh the matter of cost effectiveness at this time. The big program is to try to get an effective defense, an effective ABM.

With all due deference to the Senator, this is getting off on a side issue.

Mr. BROOKE. Mr. President, I raised this question with the distinguished chairman because he certainly has had a wealth of experience in conference committees.

It is my understanding that in conferences sometimes it is customary to split the difference. I am very much concerned that if we were to go into conference with the committee bill and the House bill, we could very well come out of the conference not only with Whiteman but with Warren as well, and perhaps an advanced site in the Northeast and the other areas which would, in effect, give us area defense.

I think that is a matter of very serious concern for our conferees, because of the House action initially.

Let me say to the distinguished Senator that this does not mean that I do not have the utmost confidence in our chairman and in the conferees. I know that they will do all they can to maintain the Senate position. But I wonder, since we have a rather extreme position taken by the House where we would be if a "middle ground" is adopted.

Mr. STENNIS. The Senator is speculating on something here that no one can give an answer to.

I can give an answer as far as attitude is concerned. There is no motive except what I have given for this committee acting as it did in bringing in this recommendation.

No one has in his mind, so far as I know, any idea of having this matter pass the Senate and then going to conference and bringing a whole hog back. There is not the least intention to do that.

If the Senator's amendment is rejected—and I believe it will be—everyone connected with this matter will be willing to settle on this for this year in the Senate bill.

That is the practical side of it. That is what I am going to fight for. I will tell everyone that.

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

Mr. STENNIS. I yield.

Mr. TOWER. Mr. President, I think the point should be made that, notwithstanding phase I, even if it were to occur at both Whiteman and Warren, it would still not provide area defense—and it could not—for the major population centers in the Northeast, the east coast, and the west coast.

It could be used to protect Houston, Dallas, San Antonio, St. Louis, and some of the cities in the middle part of the country. Those four sites could not serve the purpose of area defense.

Mr. BROOKE. Mr. President, the Secretary of Defense on "Face the Nation" this Sunday, I believe, included some area defense at Whiteman itself. And if we get into these four sites, we will have area defense.

Mr. TOWER. But we will not have it in the major population centers.

The PRESIDING OFFICER (Mr. MUSKIE). The Senator's time has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that we be permitted to continue for an additional 5 minutes.

Mr. BROOKE. Mr. President, I ask unanimous consent that we be permitted to continue for an additional 5 minutes.

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

Mr. BROOKE. Mr. President, I am very much buttressed by the statement made by our distinguished chairman that he believes that if we should reject this

amendment—and I am hopeful that we shall not and I do not expect that we shall—and go to the conference with the committee bill, that he will press for the Senate position.

Mr. STENNIS. There is no doubt about that in my mind. In addition, the Brooke amendment does not have a thing in the world to do with that situation. If we agreed to it or rejected it, the situation would be the same.

Mr. BROOKE. I do no think that is correct. Under the Brooke amendment there is a limitation on sites. You could not go beyond the existing first and second sites of phase I. So I think if we went into a conference with the Brooke amendment, we would be in a stronger position to maintain the distinguished chairman's position than we would if we went in with the committee position. That is my thinking on the subject.

Mr. STENNIS. I thank the Senator. I appreciate his suggestion.

Whatever area defense would come from Whiteman is purely incidental. That is not the object of the site at all.

Mr. BROOKE. I agree it is not the object of the site, but it is there; and I point that out to the disinguished Senator from Texas, who raised the question.

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

Mr. STENNIS. I yield.

Mr. TOWER. I wish to remind the Senator that the committee rejected area defense. That is the committee position. The bill, as it came out of committee is, indeed, itself a compromise.

Mr. BROOKE. The Senator is correct, but the House did not reject area defense. That is my point.

Mr. TOWER. Since we have rejected it, that is the Senate position and I do not see that going in with the Brooke amendment would give us a better bargaining chip in that connection than the committee version.

Mr. BROOKE. I point out to the Senator, and I hope he understands what the amendment provides, that limitation would be helpful in conference—it would help the conferees on the Senate side to maintain the position which the committee bill has set forth.

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

Mr. STENNIS. I yield.

Mr. TOWER. I wish to read the following language from the committee report:

> In taking this action, the committee wishes to establish the primacy of active defense to increase the survivability of the land-based deterent. The authorization the House approved at administration request to proceed now to advanced preparation of four area defense sites, the committee affirms its conviction that there is no compelling need to move now to the deployment of an area defense of our population against the Chinese Communists ICBM attack.

There is our position.

Mr. BROOKE. That is the committee position. The Senate has not taken a position yet.

Mr. TOWER. If we adopt the committee bill it is the Senate position.

Mr. BROOKE. We have not done that yet.

Mr. TOWER. But the Senator's amendment would put us in no better bargaining position with the House than the committee position.

Mr. BROOKE. I disagree with that; and I make the point my amendment would put us in a better position. Secretary Laird on Sunday stressed that a major reason for going to the Whiteman deployment was to keep open "the follow-on options for either area coverage or for accidental launch coverage."

In my opinion, that is an area defense option. I think the Secretary is keeping clear that option. That is why I asked the question of the Senator that I did.

Mr. STENNIS. We have tried to answer as fully as we know how.

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

Mr. STENNIS. I yield.

Mr. GOLDWATER. I think I understand what the Secretary is getting at. He made no commitment to area defense, but any weapons planner would be foolish not to be looking ahead. You cannot say that site protection would not provide some area protection. There may be some small town within the radius of the cone of destruction. Whether they like it or not, they might be saved by the ABM designed to protect that particular missile. But I do not think anyone in the weapons business in his right mind would ever stop his thinking at this wall; namely, the protection of a missile site, because when we can prove a missile site protection system will work without danger to a community, we are going to see an about face by small towns and some large cities that now do not want the ABM near them.

I would not advocate that we go into area defense at this particular time, but I think the Secretary would not be acting in the way a Secretary should act if he is not thinking a long way ahead with respect to all problems connected with the ABM, including the possibility at some time of its use as an area defense.

Mr. BROOKE. Of course, any decision is reversible, depending upon the circumstances. As I understand it, he made this decision to go to deterrent defense rather than area defense not so much because people living in these various areas are objecting to it, but because we believe it gives us maximum security.

Our committee discussed that matter thoroughly; and the chairman made clear he supports it. But this language by the Secretary would indicate some possibility he might be seeking to restore that area defense when we go to conference.

I think it is important that we discuss this matter on the floor of the Senate. I am much buttressed by what the chairman has said.

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

Mr. STENNIS. I yield.

Mr. GOLDWATER. I do not believe the Secretary of Defense is trying to restore anything. The Senator, being a member of our committee, recalls that there was almost universal objection when the Secretary made his report to the so-called Chinese threat, and, in fact, there were quite a few members of that committee that I think would not have supported that. I have my doubts as to what I might have done. But when the committee came out with the language we arrived at, it ignored that part of it, and the Secretary agreed with that, and I feel that is the Secretary's position.

What the House of Representatives does is something else. It will be found the House goes beyond the Senate in practically every area of this bill. We will spend so much money on the B–1 and they are going to spend twice that much. We will have an amendment to strike $284 million from the F–15, but the House will think they should get the whole thing.

I think the Senator's experience on the committee will convince him that the House always goes beyond the Senate in this particular area. So when it comes to the work of the conferees, I do not think the Secretary has any weight at all because I do not think there are many things in this bill from the House that the Secretary either pushed for or did not push for. It is a House bill.

Mr. BROOKE. Mr. President, if I may refer another question to the chairman in the time allotted, the distinguished chairman raised a very serious question about the time factor. If we were to agree to this amendment and install additional radars at Malmstrom and Grand Forks, it is estimated it would take 12 months. In other words, there would be a 12-month delay, I believe the chairman said, because of the necessity for surveying for the location of the sites.

I certainly agree, as the proposer of the amendment, that it would take time to survey for the location of sites if we did add additional radar at each of the present sites. But my best information is that it could take as little as 2 or 3 months, not a year; the very most it could take would be a year. In this time, and I want to point this out to the chairman, of the $50 million we already allocated for advance work on radar technology——

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

Mr. BROOKE. Mr. President, I ask unanimous consent that we may proceed for 3 additional minutes.

Mr. STENNIS. I am happy to accommodate the Senator but I have an obligation of time.

Mr. BROOKE. We could finish this question in that time.

Mr. STENNIS. Very well; the time to be divided.

Mr. BROOKE. This time could be used to rush to readiness this radar technology, which would enable us to use more accurate and less costly radars than the costly MSR which is costing over $200 million each to construct. Also during this so-called delay SALT will be taking place at Helsinki beginning in November. Hopefully, at that time we may have come to some agreement with the Soviet Union which would do away with the necessity of spending these billions of dollars for this ABM system.

Mr. STENNIS. My quick answer to the Senator is that, however he puts it, the Brooke amendment just stops this program in its tracks so far as going beyond the two sites is concerned.

Mr. BROOKE. The production lines are open. We still have the production lines open on the MSR's, the computer capability, and the Sprint missiles. We are not closing those up, as they would have been under other amendments.

Mr. STENNIS. So far as additional sites are concerned, the amendment takes them out of the program and cuts them out, and the Senator knows there will not be any further legislation on this subject for another 12 months.

Mr. BROOKE. But if we are going to get more survivability of the Minuteman force, the improvement of the defense in depth of the two sites——

Mr. STENNIS. Well——

Mr. BROOKE. There is a scientific difference of opinion here as to whether or not that is true.

Mr. STENNIS. I have a memorandum here specifying how this money is going to be used. I have here four possible options that are available. We will go into that later.

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

Mr. STENNIS. Mr. President, I yield 12 minutes to the Senator from Washington; more, if he wishes.

Mr. JACKSON. Mr. President, I wish to discuss briefly the pending amendment introduced by the distinguished Senator from Massachusetts (Mr. BROOKE). This amendment is not new to me or to other members of your Committee on Armed Services where it was originally introduced and, after discussion, rejected by a substantial majority.

I believe that the committee acted wisely in rejecting the pending amendment when it was before us, because I am convinced that it is basically unsound. This is not a judgment that I alone have made, although I have given this amendment careful consideration. The Secretary of Defense shares, I believe, my view that its adoption would be a poor use of the defense dollar because it would provide a less effective defense of Minuteman at the current budget level, or, alternatively, would cost substantially more for the same level of effectiveness. I will explain precisely why the proposal to deploy the same hardware scheduled for Whiteman Air Force Base at Grand Forks or Malmstrom—the phase I sites—would be a wasteful and unwise investment. But as I do so, I would call to the attention of the Senate that what is at issue here is the particular location at which the $320 million for phase II can best be spent.

First, Mr. President, if the proposed amendment is to provide a capability to protect Minuteman equal to the protection afforded by the Armed Services Committee recommendation, it would add to the cost of the committee's recommendation an additional $500 million. This substantial sum is greatly in excess of the phase II funds in the committee bill, and about equal to the total expenditure for the Whiteman site. In other words, the adoption of the amendment could add to the program cost twice the amount the Hart-Cooper amendment would have struck. Moreover, it entails some serious disadvantages with no offsetting advantage.

However, Mr. President, the proponents have not seen fit to amend the committee position so as to provide the funds necessary to implement their amendment. One is forced to the conclusion, therefore, that the crucial effect of the adoption of the amendment would be to reduce the effectiveness of Safeguard in protecting Minuteman by a significant amount. I must say that I am at a loss to explain the advocacy of this amendment by those who have opposed Safeguard with the argument that it is not cost effective.

Second, the amendment is difficult to evaluate because it is unclear whether its sponsors are advocating that the hardware scheduled for Whiteman be deployed at either Grand Forks or Malmstrom alone, or, alternatively, whether they mean to recommend that two additional radars be deployed, one each at Grand Forks and Malmstrom. In either case they are faced with the following dilemma: either they mean to suggest one additional radar, along with its complement of missiles, in which case there is a sharp decline in overall protection and a $100 million price increase, or they mean to suggest two additional radars, in which case the effectiveness is maintained but at double the price. Neither interpretation commends itself as an alternative to the system as presently designed.

Mr. President, my friend, the distinguished Senator from Massachusetts, appears to be under the impression that the addition of a second radar or radars at the phase I sites would provide "defense in depth" at these bases and, even more, "an exponential increase in the number of offensive missiles required to attack the defended targets." He has reference here to the tactic of "preferential defense," a concept that is fine in theory but that can be applied only in certain and rather precise circumstances. Had hearings on the proposal been held it would have been made clear that preferential defense cannot be beneficially employed at either Grand Forks or Malmstrom.

Mr. President, the reason why this tactic, attractive in theory, cannot in fact be employed has to do with the geography of the phase I sites and the range of the Sprint interceptors. I have examined detailed maps of the sites in question on which were drawn the actual deployment option for which the Senator is arguing. In an effort to give the amendment every consideration, the optimal deployment under this amendment was studied. The simple fact is that the addition of a single MSR and its complement of Sprint missiles at Grand Forks, the more favorable of the two sites, would bring under additional protection an astonishingly small number of Minuteman—a number, in fact, that is less than one-third of the number protected by deployment of the same hardware at Whiteman.

Alternatively, the addition of two radars and associated missiles—one each at both Grand Forks and Malmstrom—would add, as I have said, some $500 million to the cost over what it would be at Whiteman.

Third, there would be an unavoidable delay of at least 15 months in the operational readiness date of the fourth radar deployment—the only deployment that could—at greatly added cost—buy comparable effectiveness.

Fourth, the potential effectiveness of the possible eventual addition to Safeguard of a new smaller and less costly radar would be seriously reduced. The proponents of the amendment may hope that this radar can be developed in time to substitute for the third and fourth MSR's. I believe that they are in error here as this radar will not be available in time to substitute for these MSR's but may be available later should the threat require augmentation of the defense. However, the optimal use of a supplementary radar would be achieved by its use at a larger and not a smaller number of sites. Since this new radar, when and if developed, would function in harmony with the MSR thereby increasing the effectiveness of both, the MSR's would be optimally deployed at geographically separated sites.

Fifth, the dispersal of Safeguard at more rather than fewer sites seriously complicates the problems faced by a potential attacker. I could go into detail here, but suffice it to say that the effect of leaving two-thirds of the sites completely undefended simplifies the attacker's requirements.

Sixth, the choice of Malmstrom or Grand Forks over Whiteman would sacrifice the very considerable protection of our SAC bombers based in the vicinity of Whiteman. A minimum of 10 percent, and perhaps as much as 20 percent, of the bomber bases can be protected with the addition of the site at Whiteman, as compared with less than negligible bomber protection at the phase I sites.

Against all of this, Mr. President—against the increased costs or reduced effectiveness—or possibly both—against the technical complications, against the loss of bomber protection, must be set the merely rhetorical counterweight that the amendment would be a "geographical limitation on the system." Never mind that the geographical limitation is the source of the many disadvantages I have outlined. Never mind that the price paid for it is high. The fact is that the "geographical limitation" is of no consequence, save as a pointless and ill-considered symbolic defeat for Safeguard.

I hope that my colleagues will appreciate the full implications of the pending amendment. Its adoption would mean rejecting a planned deployment on which many thousands of hours have been spent in costing, analyzing, drafting, engineering and design, and substituting for it a proposal that is seriously deficient, that was rejected by the Armed Services Committee, on which no hearings have been held and which will have received the sum total of 3 hours consideration on the floor today.

This is not the way the Senate should decide these issues. It would be unwise to make our decisions in this way, even if there were, on the surface, some concrete advantages to the amendment itself. Its passage would be, in substance, nothing more than a symbolic victory over the Department of Defense and an unwarranted defeat for the President.

Mr. President, the proponents of the Brooke amendment have taken great pain to suggest that its adoption would leave our negotiating position in the SALT talks unimpaired. Their most affirmative claim is that the adoption of the amendment would not adversely affect our capacity to positively influence the Soviets in the direction of accommodation and agreement at the negotiations. This is the most the proponents have claimed for the amendment and even this claim, I believe, is based on only a partial appreciation of the relationship between Safeguard and SALT.

I have tried, in recent weeks, to point out to my colleagues that Safeguard is, in my view, a carrot and not a stick. It is a carrot in the sense that the real capability of the system to cancel the costly increases to the Soviet offensive forces should convince them of the utter futility of continuing to deploy more ICBM's. If the Soviet leadership comes to understand, as I hope they will, that every SS–9 on which they spend $30 million will be offset by an increment of defense at substantially lower cost, they will realize the wisdom of mutual limitation. For this reason Safeguard is an incentive to agreement, and for this reason it is quite beside the point to argue, as some have, that Safeguard cannot be an inducement to accommodation because it does not threaten the Soviet Union.

My analysis leads me to conclude that any revision of the deployment plans for Safeguard that reduces the real capability of the defense to protect Minuteman reduces our bargaining leverage proportionally.

In addition, Mr. President, there is an even more significant reason why the utility of Safeguard as an incentive at the SALT talks would be diminished by passage of the Brooke amendment.

The simple fact is that the futility and wastefulness of the continuing Soviet offensive deployment can only be demonstrated if it is clear that the Safeguard response will keep pace with any level of offense the Soviets might consider. An affirmative vote on the Brooke amendment, however, far from indicating our determination to offset increases in the Soviet offense, signals an irresolute and tentative support for the Safeguard system.

I think it is clear that the Soviets would read the passage of the Brooke amendment as an indication that Safeguard is being terminated by the first in a series of indirect and oblique senatorial attacks.

I have heard it argued, by proponents of the Brooke amendment, that its passage would be a compromise—as though compromise, in and of itself, were necessarily a good thing. I believe, and I am confident that many Senators share my view, that the careful and deliberate compromise worked out in the Armed Services Committee deserves to be sustained on the floor.

I am also persuaded that a compromise that imposes severe technical burdens on the Safeguard system and increases its cost by $500 million is a compromise in name only. What is compromised by the Brooke amendment is sensible defense planning and the utility of the defense dollar.

I am hopeful, Mr. President, that the SALT talks will result in limitations on both offensive and defensive weapons that can be adequately constrained, sustained, and verified. We should do nothing that will diminish the likelihood of success in Helsinki or Vienna or impair the quality of our defenses in the event we fail to reach agreement.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I thank the Senator for a very fine exposition on this subject, on this occasion as well as on others.

Mr. BROOKE. Mr. President, I yield 10 minutes to the distinguished Senator from New Hampshire.

TO MAXIMIZE PEACE AND SECURITY

Mr. McINTYRE. Mr. President, I rise to support the amendment introduced by my friend, the distinguished Senator from Massachusetts (Mr. BROOKE) which I cosponsor along with the distinguished Senator from Kentucky (Mr. COOK).

I will be brief—and I hope I can go to the heart of the decision we will make here today.

Nearly 15 months ago in a speech in my hometown of Laconia, N.H., I spoke on the ABM-Safeguard system. On that occasion I said:

> Only a few times in our Nation's history have we faced a more far reaching, more profound, more truly significant debate than we face today in dealing with the proposal to deploy the Safeguard system.

In that same speech I focused on basic issues which I felt must be confronted in reaching the decision:

Would Safeguard work?

Would it intensify the arms race?

Would it help in negotiating with the Soviets?

Would it be the best way to maintain the strategic balance in the world?

I have followed the same guidelines this year in arriving at my decision to support this amendment.

Will it provide the "bargaining chip" the administration and our negotiators at SALT feel is necessary?

Will it let us continue to develop the ABM so that we are certain we have a system which will accomplish its mission?

Will it escalate the arms race by provoking a response and thereby undermine SALT?

Will it meet any imminent Soviet threat to the strategic balance on which nuclear peace and our national security depend?

Will it provide a common meeting ground for the Members of the Senate who share divergent views on the action the Senate should take this year in this important area?

I have considered the various proposals on ABM within these guidelines. After a great deal of study on my part, after consulting with experts who were available to me, and after discussions with many of my colleagues here in the Senate, I am convinced that this amendment will accomplish the goals I seek within the guidelines I have set forth.

When I first announced my cosponsorship of this amendment, I reported that I had consulted, by telephone, with the highly placed officials at SALT while sessions were still underway in Vienna. We discussed the various ABM proposals then before the Senate, and I was told that in their view a "bargaining chip" on ABM was crucial to a successful outcome of these vital talks with the Russians. The officials I talked with are convinced that a static ABM would not provide that "chip." They believe there must be solid evidence that ABM is moving forward.

Others who have spoken on the amendment we have before us have made it quite clear that this proposal would, indeed, move ABM forward. I need not repeat their arguments.

I am assured that this amendment would provide the necessary forward momentum. And having considered the comments made to me by officials in Vienna, I have reached a firm and clear conviction that this amendment provides the "bargaining chip" they ask.

Now as to my second guideline, there is this question to consider:

Will this amendment allow us to proceed in the ABM system's development so as to make certain the system will work should it ever become necessary to use it?

As chairman of the Subcommittee on Research and Development of the Senate Armed Services Committee I want to make sure that the deployment of such a costly and complex system is firmly anchored to the soundest possible technical base.

You may recall that in last year's debate on the military procurement bill I offered an amendment designed to provide additional research and development to assure just such technical competence for the system. I believe the amendment we have before us today is consistent with the position I took last year and builds on the action of the Congress to deploy the first two sites.

The amendment we are now considering continues the deployment at those first two sites, strengthens deployment there, and provides additional research to eliminate technical flaws and weaknesses before we move too fast in additional deployment. Such indepth, onsite research should meet many of the technical criticisms of the Safeguard system.

Since we are talking here about the defense of our Nation—as well as the possibility of achieving a peaceful accommodation with the other leading world power—I think that the least we can do is to make sure, through research, that we are not buying a pig in a poke—or, should I say, silo?

I think the people want it this way. I would hope that the administration wants it this way. And I know from speaking to many of my colleagues that they want it this way.

As to the question of whether this amendment would encourage a dangerous escalation, I do not feel that it moves in that direction at all.

The ABM, as proposed to Congress this year, called for full deployment of the ABM system, including the concept of area defense. I believe this proposal would be esclatory to the point of danger.

I was pleased that the Armed Services Committee, after full consideration of this aspect of the program, took the posi-

tion that area defense was escalatory and might even be considered the first step toward the development of a first strike capability.

I believe the Brooke amendment makes the opposition of the Armed Services Committee to the area defense concept a matter of law. It expresses in forceful terms the Senate opposition to this part of the system. It gives our conferees additional support as they meet with their counterparts from the House.

On the question of meeting any threat to our strategic balance:

Since last year's debate, the Soviets have continued to deploy the SS–9's they had under construction. More disturbing, they have begun fresh installations of this same weapon even while we have been meeting at the SALT negotiations in Vienna.

We have heard persuasive testimony before the Senate Armed Services Committee that the size of these SS–9 missiles imply that they would be most logically used to attack our land-based missiles rather than used as instruments of deterrence.

We all hope and pray that this Soviet activity will be halted by a secure strategic arms limitations agreement.

But, if SALT is not successful and if the Soviets foolishly mean to try to degrade our deterrent, I know we all want to be sure that we have prepared a sufficient response to maintain the strategic balance.

My able and distinguished colleague, the Senator from Massachusetts (Mr. BROOKE), with whom, incidentally, I serve on the Armed Services Committee and on my Subcommittee on Research and Development, has designed his amendment with this grave issue especially in mind.

He has argued forcefully and persuasively that his amendment would enable us to meet the same, perhaps even a greater, threat level as we would be able to meet by moving to a third site.

Now, to my final guideline. Will this proposal provide a common meeting ground for the Members of the Senate who share divergent views on the ABM?

There are many sincere positions held by my colleagues. I respect their views, for I know that they were arrived at only after long hours of consideration, discussion, and decision.

Their positions range from severe cutbacks in ABM to full deployment of the system without any qualifications.

Many of these diverse positions appeared in the Senate Armed Services Committee when this matter was considered. The committee position obviously reflects the views of some members.

Then, too, we have voted on two proposals here on the floor of the Senate which have represented still other viewpoints.

None of these positions has yet achieved a majority in this body.

If those with varying viewpoints on ABM can agree on a common ground, we can resolve this issue and simultaneously restore a degree of unity at a time when there are far too many evidences of disunity.

I am not asking any faction to compromise their principles on this issue. I am asking them to seek the area of agreement, for I sincerely believe there is a common ground which can satisfy the basic concerns of all.

It is my honest conviction that the Brooke amendment offers the best possible accommodation of the varying views held by the Members of the Senate. I do not say this lightly. I say it only after considerable discussion with my colleagues, who will shortly be casting their votes.

Mr. President, I want to maximize our security at the same time we maximize the possibility of success in our strategic arms limitations negotiations. I am convinced that all of my colleagues share this desire.

The urgent desire of all of us is to arrive at peace in our world. This is the ultimate goal for each of us—in his or her own way.

The road to this goal is difficult, full of obstacles, fraught with complex problems to which each must seek the solutions.

I feel with great conviction that the adoption of the Brooke amendment will help move us along that difficult road, and I urge my colleagues to look at it in the terms I have set forth and to join in its support.

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

Mr. BROOKE. I yield myself 1 additional minute.

I thank the able and distinguished Senator from New Hampshire. I know of the long and tedious work he has done as chairman of the Subcommittee on Research and Development of the Committee on Armed Services. I know that he has labored long with this amendment. He is one of its distinguished cosponsors. I am very grateful to him for what he has done, and I commend him for his very thoughtful and very scholarly speech on this subject this morning.

Mr. McINTYRE. I thank the Senator from Massachusetts. I want to say, too, that I know of the long hours that he and members of his staff have spent on this difficult problem, and I congratulate him on his amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, the debate on this important subject will be over in about an hour. It will terminate weeks of debate on whether we should or should not have an ABM. Although I recognize that the Brooke amendment does not go as far as the Cooper-Hart amendment, still, I think we can arrive at pretty much the same conclusions.

Judgments of the Safeguard antiballistic missile system proposed by President Nixon depend on the answers to six controversial questions.

The first question is, Does the Soviet Union intend to—or indeed can it—press the arms race so hard it develops a first-strike capability against the United States?

Opponents of Safeguard say the Soviet Union almost certainly cannot develop a first-strike capability against the diversified second-strike force of the United States, whether it wants to or not. At least some ABM foes say the Soviet Union has no intention of striking first anyway.

The Nixon administration, unwilling to judge Soviet intentions, believes the Soviet Union could be on the way to achieving the capability for a first strike in the 1970's and therefore wants to prepare the United States to defend against this possibility if necessary.

Mr. President, all the testimony and all the evidence I have seen—which I cannot discuss because of its privileged nature—has forced me to believe that the Soviets will pass us sometime in the next 12 months in the total ability to deliver nuclear weapons upon us.

The second question that I think has to be answered is this: Will Safeguard force an escalation of the arms race?

Critics of the system say the Soviet Union will be forced to upgrade its offense to compensate for the assumed effectiveness of Safeguard, and this Soviet move in turn will force a reaction from the United States.

Since Safeguard is purely defensive and will be installed in phases, proponents say, there is no reason the Soviet Union or any other enemy should react by increasing its own arms capacity.

The third question which has developed is this: Will the Safeguard system work?

Foes of the system say it is too easily overpowered by the offense, which has many options for deception. In addition, they dispute those who believe the system can ever be brought up to the peak of operational perfection required, much less maintained at that peak for the many years it may be necessary.

Its backers acknowledge it has not been fully tested but maintain that, on past experience with systems almost equally complicated, they have good reason to expect it will. Moreover, merely deploying the system complicates whatever enemy plans there may be for surprise attack. Safeguard's main value may be achieved without ever firing a missile.

The fourth question is this: Are the costs acceptable?

Opponents say Safeguard is a waste of money which could be better spent at home on the country's serious domestic problems. They say the current price tag is a serious underestimation, that the eventual cost may be up to 50 times as high as the $7.8 billion now estimated.

Mr. President, this is getting to be rather an everyday phrase used by opponents on every appropriation or authorization, that it will cost 20 to 50 times as much. While I do not say that we will keep costs within present estimates, I have to remind those who speak like that, that the cost expectations of Federal aid to education, medicare, the highway system, and so forth, have all gone up far greater than the cost, percentagewise, of our weapons system.

We heard some discussion this morning about cost effectiveness. If former Secretary of Defense McNamara did one thing that was more dangerous than anything else, it was the institution of the idea of cost effectiveness.

My argument is that there is no cost effectiveness measure that can be applied to the defense of 204 million American people. If it works, and if he can

afford it, any American will be glad to pay the whole cost.

I say that the billions of dollars we have spent on this have been wisely spent.

Proponents of Safeguard believe the United States must be able to afford whatever is necessary for its own defense, especially against enemies whose economies are inferior. Safeguard, they say, is necessary insurance to preserve the United States second-strike deterrent.

The fifth question is: Can the United States afford to delay deployment of the Safeguard system?

Critics believe the United States can take the risk of delaying a year or longer while the State Department and the Arms Control and Disarmament Agency try to work out an agreement to stop the arms race. The Soviet Union cannot mount by the mid-1970's, they say, the highly coordinated attack necessary to wipe out America's bomber, Polaris, and ICBM forces simultaneously.

The PRESIDING OFFICER (Mr. SPONG). The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 additional minutes.

Mr. GOLDWATER. Mr. President, unless the Soviet Union is sure of a simultaneous kill of all three American forces, she must expect a devastating retaliatory blow. This devastation, Safeguard's foes say, the Soviet leadership will not risk even if the United States delays in building Safeguard for a year or longer.

President Nixon has chosen what he considers to be the minimum next step in the broad development of a nonprovocative anti-ballistic-missile system which could be needed if the Soviet Union presses on toward a first-strike capability. Even 1 year's delay could give the Soviet Union enough of a jump in developing its attack forces to threaten the U.S. deterrent.

The last question, the sixth question, which has come up in my mind is: What effect would rejection of President Nixon's Safeguard system have on the U.S. bargaining position in the pending arms control talks?

Delay in deployment of Safeguard, critics of the program claimed, would provide time and improve chances for progress in arms-control negotiations with the Soviet Union—before a new cycle in the spiraling arms race got underway.

Proponents of Safeguard warned, however, that a Congress-ordered delay or cancellation of Safeguard would be read in Moscow as repudiation of President Nixon, who was heavily committed to beginning installation of the system in 1969. Delay or refusal of funding might also be taken as a signal, it was said, that the Soviet Union need make no arms-limitation concessions of its own, since Congress was forcing the President's negotiating hand to give U.S. concessions in advance.

Mr. President, I ask my colleagues to reject this proposal. With all due respect to the Senator from Massachusetts, I think this is a dangerous step in a dangerous time in our history, when the world is beginning to doubt that the United States has the courage, the willingness, or the ability to defend itself, let alone to take care of the commitments it has made around the world.

All of the debate we have had in Congress over the past going-on 5 weeks has been of more help to the enemy than anything we could have done, when we question the wisdom of our military leadership and the wisdom of our President. I think it gives great aid and relief to those whom we do not want to give those things to.

Mr. COOK. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. Mr. President, I yield 10 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOK. Mr. President, I should like first to read an editorial published in the New York Times this morning. It reads:

CLARITY ON ABM

An Administration-created haze hangs over the vote the Senate will take today on the Brooke amendment. The White House, in opposing the amendment, is still leaning on the chief argument it used last week to defeat moves to suspend expansion to the Safeguard ABM system beyond its present two Minuteman sites. But that argument has no real pertinency to the Brooke amendment.

The decisive Administration contention in the earlier voting was that "the momentum" of Safeguard expansion is a vital bargaining tool in the missile curb talks with Moscow. Forty-seven Senators rejected that view last week, as does this newspaper. But others with deep reservations on the worth of ABM hesitated to challenge the Administration's judgment about these supersecret negotiations.

The Brooke proposal responds to these concerns. While limiting immediate Safeguard deployment to the two existing sites in Montana and North Dakota, it would provide more effective Minuteman protection than the Administration-supported authorization bill. That measure would divert $322 million to two additional Minuteman bases in Missouri and Wyoming.

The Brooke amendment would authorize the full $1.3 billion the Administration has requested for ABM, but would require that the controversial $322 million be spent to improve the two present installations. That improvement could be achieved in any of several ways.

The Missouri project involves long-range Spartan antimissiles and expensive missile site radar (MSR) as well as the fast, short-range Sprint antimissiles which provide the chief Minuteman defense. If all these funds were spent for additional Sprint missiles to be used at the North Dakota and Montana sites, substantially more Minuteman could be expected to survive a heavy Soviet attack.

Another alternative would be to extend radar coverage at the Montana base along with the installation of more Sprints. The Pentagon has admitted that one MSR radar, as presently budgeted, is insufficient to cover the 200-mile stretch of this Minuteman field. Installation of a second MSR there would double the number of attacking missiles the Soviet Union would have to fire to achieve the same destruction.

Even more useful would be expenditure of the added $322 million on development for close-in Minuteman defense of a better ABM system than Safeguard, which was designed for quite different purposes. Leading defense scientists on an Administration-appointed panel have confirmed the view of Safeguard critics that much more effective Minuteman defense could be achieved at much less cost in this way.

It is not Safeguard, but the certainty of a vastly more dangerous and expensive new round in the missile race that provides the real incentive for Moscow—as for Washington—to achieve an arms limitation agreement. Nevertheless, those Senators reluctant to challenge the Administration argument that it needs the Safeguard "bargaining chip" can vote for the Brooke amendment with the conviction that it would also provide a much better defense if the SALT talks fail.

Mr. President, having just read that into the RECORD, let me continue by saying that I am one of the few who will vote for the Brooke amendment because I think last year, when the ABM succeeded by a small margin, the Defense Department, in fact, asked for the most minimum and barest programs it could get by with. They are asking for another minimum program at the two additional sites. As a matter of fact, an argument in the remarks of the distinguished Senator from Washington (Mr. JACKSON), which he just finished making, states:

If the proposed amendment is to provide a capability to protect Minuteman equal to the protection afforded by the Armed Services Committee recommendation, it would add to the cost of the Committee's recommendation an additional 500 million dollars.

He admitted himself that the recommendation of the Armed Services Committee to protect the sites will be at greater cost and a far higher degree than the cost that has been expended in the ABM system itself as approved last year. I might also——

Mr. TOWER. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOK. Let me just finish this thought and then I shall be delighted to yield to the Senator from Texas.

I would also like to quote from page 4 of the remarks of the Senator from Washington:

Fifth, the dispersal of Safeguard at more rather than fewer sites seriously complicates the problems faced by a potential attacker. I could go into detail here, but suffice it to say that the effect of leaving two-thirds of the sites completely undefended simplifies the attacker's requirements.

I might suggest that we could have two-thirds of them undefended at every site we establish in the country, because we cannot establish an adequate radar system. Thus it will make it easier for the enemy at any place in the United States under the other financial proposal at two additional sites.

I can only say that I voted against the ABM last year. I voted against Cooper-Hart because I felt that one of the real weaknesses and one of the real unexplained problems we faced last year was the total and complete softness and weakness of the radar.

If we can have the two present positions totally and completely defendable and then work from that point of view to the next one and the next one, our defense system will truly be adequate.

Obviously if SALT does not succeed,

Congress will be asked for two more sites next year and two more sites the next year. And each of them will be an inadequate defense system as stated by the Armed Services Committee itself.

If we are to protect a system or the system let us try to really do it right. Let us not come back to the American people 2 years from now or 4 years from now, after the unsuccessful SALT talks—as they may be, but let us all hope that they will not be—and then say that we must ask the American people for $2 billion or $3 billion to make the system truly functional.

I am not concerned about overruns where the safety of the people are concerned. And I know that the Senator from Arizona is not either. In this we are in total agreement.

If we have to do this, let us do it right so that we do not have to ask the American people again. Let us do it right and completely defend each of these present sites as adequately as the Safeguard and the Defense Department can provide.

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

Mr. COOK. I yield.

Mr. TOWER. Mr. President, would the Brooke amendment enable us to provide that additional manned bombers be protected?

Mr. COOK. The Senator has asked me a question which I am not sure I can answer.

Mr. TOWER. I submit that it would not.

Mr. COOK. I did not say that it would. I would only say that it would give us capability by reason of adequate radar facilities at two sites to defend far more Minutemen than the program now intends.

Mr. TOWER. Mr. President, under the Brooke amendment, does the Senator admit that the preferential defense theory would be adopted?

Mr. COOK. I do not think so. I will tell the Senator why.

Mr. TOWER. Then, if it is not adopted, that means that we will deploy two additional radars at two sites for the same cost that we could deploy one at Whiteman. Is the Senator maintaining that position?

Mr. COOK. Mr. President, we are talking about defending more Minutemen. The Senator from Washington said in his remarks that it would defend more Minutemen.

Mr. TOWER. Does the Senator contend that it would defend more Minutemen at the cost anticipated here—that is to say, the amount that is in the budget? I submit that it would cost $0.5 billion.

Mr. COOK. It would not, because the committee itself said that it would cost $500 million. This is $322 million.

I might say to the Senator from Texas that if one suggests an alternative to what the Defense Department wants, it will always cost a half billion dollars more and will always take 15 or 20 months.

The Senator from Massachusetts said that he received information that these facilities could be upgraded and the protection extended to the Minutemen in a period of time of as little as 3 months.

Mr. TOWER. Mr. President, that is not borne out by the facts as outlined to me in confidential briefings by the Defense Department. Has the Senator from Kentucky received this classified briefing?

Mr. COOK. Mr. President, having been a cosponsor of this for more than a week, I would have loved to have the Defense Department contact me in my office and offer me the opportunity to have these briefings.

Mr. TOWER. The Senator did not ask for it?

Mr. COOK. No. I have been briefed on the ABM last year.

Mr. TOWER. I am afraid that the Senator is accepting some facts presented by the Association of American Scientists.

In this instance we have to trust the scientists and engineers and the planners of our Defense Department more than the Association of American Scientists, which is an organization opposed to the deployment of the ABM system. Therefore, the Association of American Scientists can be counted on to oppose the system.

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

Mr. COOK. Mr. President, I ask unanimous consent that I be permitted to continue for 1 additional minute.

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

Mr. COOK. Mr. President, I wish that the Department of Defense could answer this question before 1 o'clock this afternoon. I would like them to answer for me in the record whether they feel that the sums they asked for last year for the two sites and the sums they are asking for this year for the two sites really give them all of the defense for all the missiles they really want to defend the respective sites.

Mr. TOWER. Is the Senator suggesting that we go into a closed-door session and get into classified material?

Mr. COOK. It would be perfectly all right with me.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr President, I yield 8 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 8 minutes.

Mr. THURMOND. Mr. President, the Brooke amendment No. 821, now being considered by the Senate, differs only slightly from the Cooper-Hart amendment which this body rejected by a vote of 52 to 47 last week.

In fact, of the two amendments, the Cooper-Hart amendment made more sense if the Senate wants to pull back on the Nation's anti-ballistic-missile program. Fortunately, the Senate rejected the Cooper-Hart amendment and the same refusal should be given to the Brooke amendment.

The Brooke amendment limits ABM deployment to two sites, just as the Cooper-Hart amendment. The only difference is that it would allow the money scheduled for the two additional phase II sites to be spent at the phase I location approved last year.

Mr. President, the Army does not want extra money for the phase I sites. The approval of additional money by the Senate for the initial two phase I sites would be wasteful and create problems in present schedules.

Thus, it is easy to see this amendment is merely designed as an attempt to sweeten the pie, so to speak, in hopes of picking up a few votes and bringing the Senate to a decision which would repudiate its action of last week and last year.

It must be realized that the wording of the amendment is such the Army could possibly take actions at the initial two sites which should not be taken without hearings by the appropriate committees of the Congress.

The amendment reads:

> Funds pursuant to this Act for the procurement of antiballistic missile defenses may be used only for defense of strategic forces deployed at Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

Thus, if this amendment passes, the Army would be free to speed along the present deployment at the two phase I sites or build a third site or even a fourth site at Malmstrom or Grand Forks.

The amendment merely restricts use of the funds in the bill to these two locations without mentioning for what purpose the additional funds would be used.

Mr. President, the money in the committee bill scheduled for the two phase II sites amounts to some $322 million. Of this amount $298.4 million is scheduled for Whiteman Air Force Base and $15.4 million is scheduled for Warren Air Force Base. Why shift this money to Malmstrom and Grand Forks where it is not needed?

If the Army gets this additional money they should have to justify to the Congress how it would be spent. Can the author of the amendment say how it would be spent? The Army cannot because they have not requested it.

Further, we should ask the question as to whether these unrequested funds for phase I of the ABM could be used in a cost effective way. Would this expenditure amount to gold plating? Certainly there are Members of the Senate who would want these questions asked before supporting this amendment.

Mr. President, as I mentioned earlier, this amendment brings us full circle back to the Cooper-Hart amendment which the Senate has already rejected. They are identical except that the Brooke amendment would give the Army over $300 million they do not want. That is a lot of money to misdirect.

Mr. President, I submit it would be inconsistent and unwise for the Senate to accept this amendment. Supporters of the amendment admit they have no firm recommendation as to just how the $320 million the Army has not requested should be used at the sites where it is not needed.

If the Senate is of a mind to accept this amendment the members would have been wiser to take the Cooper-Hart amendment—at least it would have saved us from tossing out $320 million for unknown purposes. The Brooke amendment offers less goods for more money. I urge my colleagues to reject this amendment.

Mr. President, I want to say further that the work on the Whiteman site in Missouri and protection of our Minuteman missiles there would be delayed a minimum of 1 year if this amendment were agreed to. This is the estimate of the Department of Defense.

I wish to say further that use of $320 million at Whiteman in Missouri and Warren in Wyoming would provide 15 percent protection of our bomber force, whereas we would get protection of only about 5 percent of our bomber force at the Montana and North Dakota sites.

I wish to make the further statement that this amendment would result in a revision of extremely complex technical programs which have been planned by experts. It would be a great mistake, in my judgment, for the Senate to agree to this amendment.

The Brooke amendment would maintain the momentum of ABM spending but not ABM capability. Mr. President, which do we want: ABM capability or ABM spending? I am sure the Senate wants ABM capability and not just ABM spending, as would be provided by the Brooke amendment.

Again I say it is my hope the Senate will reject the amendment.

Mr. BROOKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 21 minutes remaining and the Senator from Mississippi has 17 minutes remaining.

Mr. BROOKE. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 7 minutes.

Mr. BROOKE. Mr. President, it is said "Defense in depth" at the first two sites will provide less defense for more cost. I think that is not accurate. Studies I have seen indicate that how much additional defense one can acquire at the first sites will depend both on how resources are used at those first sites and on the level of threat one is considering. Generally, it appears that, for about the same amount of money, one should be able to cope better with the higher threat levels through defense in depth than by expanding the deployment to additional sites.

For my part I would prefer to insure that 100 Minutemen survive against an attack of perhaps 1,200 warheads than to concentrate on a deployment like Whiteman which might have no Minutemen surviving at those threat levels although more would survive at lower attack levels. I understand that defense in depth can provide more surviving Minutemen at those higher threat levels and it makes good sense to hedge against a greater, not a lesser threat.

It is obvious that if the Department's analyses focus only on relatively low threat levels and if they consider only the option of adding two additional missile site radars at the first two sites, defense in depth can be made to look relatively poor, compared to a three-site deployment. However, adding two radars is by no means the only option for beefing up the first two sites.

The Department could choose from a broad range of deployment, including as I have said, adding one or two radars and increasing the number of Sprint interceptors.

The arguments made here today have all revolved around deployment of two additional site radars at Malmstrom and Grand Forks. The Department of Defense has the option of choosing several different programs that might be deployed. They might go to one additional MSR, and if the secretary does that, it is suggested it be at Malmstrom; or he could not buy the very expensive and costly Spartan missiles, and purchase more Sprint missiles. He has several other options. He does have this broad range of deployment. I think the opponents of this amendment have almost entirely overlooked those options.

It is a fact, I am told, that the long-range Spartan missiles for area defense contribute very little to defense of Minuteman, while they cost substantially more than the Sprints. Thus, if one forgoes the number of Spartans contemplated for the Whiteman site, it would be possible to purchase a sizable increase in the Sprint interceptors available for use at the first sites. Let me review for you a brief technical analysis of the options which I introduced into the record yesterday.

TECHNICAL ADVANTAGES OF DEFENSE IN DEPTH UNDER THE BROOKE AMENDMNT

The technical arguments for the Brooke amendment derive from the fact that the planned Safeguard defense of Minuteman sites is grossly inadequate in two respects: the radars are vulnerable and the number of Sprint interceptors is severely limited. If the Brooke approach is adopted, money not used for defense of Whiteman—and later Warren—Air Force Base could be used to accelerate work on a dedicated hardpoint defense, an option not discussed further here, or to strengthen the planned defenses at Malmstrom and Grand Forks. This can be done either by buying more Sprints and an extra missile site radar or by buying many more Sprints and forgoing the extra radar.

If the former approach were adopted, it would be possible to have two radars at Malmstrom. If they were properly sited; that is, far enough apart so that they both could not be destroyed by a single nuclear burst, yet close enough together so that either could control most of the Sprint interceptors at the base, there would be substantial advantage for the defense against heavy attacks. To negate the defense, the attacker would have to destroy both radars. The defense need defend only one. Thus, in effect, the defense would have to intercept only one-half of the warheads the attacker might deliver against the radars.

If radars were cheap, it would obviously be advantageous to have several at each base to be defended. However, since MSR's cost about $190 million each—including data processing systems—using two radars at Malmstrom implies buying many fewer Sprints. Thus, it is not obvious that one should deploy two radars for Malmstrom or buy more Sprints. It depends on the weight of the hypothesized attack.

To illustrate these points some simplified calculations have been made and the results are shown in table I. The calculations are based on the following assumptions.

First. If the deployment recommended by the Armed Services Committee is pursued, the number of Sprints at Grand Forks, Malmstrom and Whiteman Air Force bases will in each case be sufficient to intercept 60 arriving Soviet warheads.

Second. Each Soviet arriving warhead is assumed to have a 100-percent probability of destroying its target, be it an MSR or a Minuteman missile. (A retargeting capability for Soviet ICBM's is implied in this arrangement).

Third. The effective radius of the Sprint missile is such that 100 Minuteman silos can be defended at each base if only a single MSR is used.

Fourth. If the Spartans for Whiteman are not bought, it will be possible to buy enough additional Sprints to accomplish 50 additional intercepts.

Fifth. If the MSR for Whiteman is not bought, it will be possible to buy Sprints to accomplish 80 additional intercepts.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table setting forth certain figures under the options available.

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

TABLE I

	Minutemen surviving the arrival of N Soviet warheads				Number of arriving warheads to destroy all Minutemen
	300	260	120	0	1,180
Options under Brooke amendment:					
Case II: Defense of 2 bases 1 MSR at each, plus added interceptors	300	200	155	100	1,310
Case III: Defense of 2 bases 1 MSR at Grand Forks, 2 widely separated MSR's at Malmstrom, plus added interceptors	300	277	153	30	1,230
Case IV: Defense of 2 bases 1 MSR at Grand Forks, 2 closely spaced MSR's at Malmstrom, plus added interceptors	300	200	100	100	1,400

Note: N= 700, 800, 1000, 1200.

Mr. BROOKE. Mr. President, the intercept capabilities assumed are, of course, only approximate since the number of Sprints to be deployed at each base is not public and since kill probability against adversary warheads is un-

known. However, the assumptions in this regard and also as regards tradeoffs between Sprints, Spartans and MSR's seem consistent with cost figures given by the Defense Department and assumptions used by them in analyses they have made.

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

Mr. BROOKE. I yield myself 3 additional minutes.

Case I of table I is for the deployment advocated by the committee. The other three cases are all consistent with the Brooke proposal. They assume that the same level of funds as proposed for the Whiteman deployment is available to reinforce the defense at the first two sites. A number of observations can be made.

At the lowest attack level indicated, the same number of Minutemen (300) survive regardless of the defense. This is because the defense is irrelevant at these low attack levels. Seven hundred Minutemen are undefended (by Sprints) in all cases. Therefore, if the Soviet Union could deliver only 700 warheads, it would presumably limit the attack to undefended Minutemen.

If the money saved from forgoing the Whiteman deployments were expended entirely for Sprints, case 2, it is seen that the defense is not as effective as that recommended by the Armed Services Committee against 800 delivered Soviet warheads, but it is considerably better than the deployment recommended by the committee if the Soviets can deliver 1,000 warheads or more.

Under these assumptions, if two MSR's are deployed at Malmstrom and if they are widely separated (case 3) so that essentially all of the Minutemen at that base are defended (instead of only half as would be the case with only one MSR per base), the number of Minutemen surviving is larger than with the committee's recommended deployment at all attack levels—except, of course, at low levels where it is the same.

If two MSR's are deployed at Malmstrom and are sited so that each can control all the interceptors at its base, case 4, the number of surviving Minutemen is relatively low if the number of arriving Soviet warheads is 800–1,000, but relatively high for heavier attacks. In this case the Soviets would have to deliver some 1,400 warheads to destroy the Minuteman force, while only 1,180 would be required if the system were spread more thinly at three bases.

The preferred outcomes for each Soviet attack level are indicated by underscoring on my chart. It is seen that deployment 3 on the chart is superior or at least as good as the committee proposal at all levels of attack and that deployment 4 is the preferred deployment for the heavier Soviet attack. To repeat, these deployment options assume the same dollar level for all cases, including the committee proposal.

The calculations are, of course, inexact because the actual numbers of Sprints are not public knowledge and other assumptions are open to some question.

In particular, the assumptions made regarding both Sprint and Soviet ICBM effectiveness, although consistent with those generally used by the administration, are probably optimistic. Moreover, tactics other than simply exhausting U.S. Sprints, that is, an attack based on saturating the U.S. defense capability, an attack based on a Soviet warhead leaking through the defenses, or an attack based on blackout bursts at successively lower levels might be used by the U.S.S.R.

However, different assumptions regarding numbers of Sprints, their effectiveness, or Soviet effectiveness and tactics could not change the general conclusion: Defense in depth, as allowed by this approach, could provide a more effective defense of Minuteman than the committee approach against a heavy Soviet attack and at least as good a defense against low levels of attack.

A similar analysis has been made assuming, on the one hand, that under the Armed Services approach, Warren as well as Whiteman Air Force Base would be defended; and on the other, that with the Brooke approach the money for both Whiteman and Warren would be diverted to strengthening the two northern base defenses. The conclusions are qualitatively the same. This approach provides a better defense at high levels of attack and at least as good a defense at low levels.

I repeat, because this was the question that was raised, this was the issue that was debated: The conclusion is that this approach provides a better defense at high levels of attack and at least as good a defense at low levels.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, several alternative deployments have been examined pursuant to the Brooke amendment. Deployment has been examined for two assumptions about the total amount of equipment deployed at the two phase I sites. In one case, constant total program cost is maintained; that is, the amount of equipment was adjusted so that the estimated total cost under the amendment would be the same as the total cost of the three-site deployment recommended by the committee. For the second deployment examined, the amount of additional equipment deployed under the amendment was adjusted at the Safeguard design threat level to maintain the same Minuteman defense effectiveness that was predicted for the three-site deployment recommended by the committee. For each of these cases one alternative deployment of the additional components under the restrictions of the Brooke amendment was laid out so as to make possible a tactic called "preferential defense."

"Preferential defense" is a well-known concept and it has been studied for many years. Whether or not it is advantageous depends on the detailed nature of the defense system, the size of the defense, the size, shape, and orientation of the defended missile field, the size of the threat and the probable attack techniques.

To illustrate, facing the direction from which attack would come, there are two defense batteries, each of which has a radar and 50 interceptor missiles, and that one battery is deployed to your right and the other to your left.

The defense batteries are far enough apart so that one penetrating warhead cannot kill both radars; yet the batteries are close enough so that the interceptor missiles at either battery can defend both radars. If these conditions are met, the defense can use the tactic of preferential defense, which means it can choose to defend one of the radars with all 100 interceptors and sacrifice the other radar. The attacker, not knowing which radar will be defended, would then target 100 warheads against each radar, with the result that the attacker would use 200 warheads to make certain that he negates a defense with only 100 interceptors. In theory, the scheme is attractive. In practice, it may or may not be advantageous. In past years preferential defense has been considered in analyses of the defense of Minuteman. It was found that, at each location, preferential defense has no evident advantage at the threat level Safeguard is designed to counter. This is primarily a result of the geography, or layout, of the Minuteman silos deployed in those wings. Stated briefly, when the two defense batteries are placed close enough together to allow their interceptors to protect both radars, the number of silos protected by the "umbrella" of Sprint interceptor coverage shrinks to the point where two separate batteries without preferential defense do as good or a better job for the same cost. Consequently, the following comparison of modified phase II as recommended by the Senate Armed Services Committee and deployment under the Brooke amendment are valid whether preferential defense is used or not.

For a program cost approximately equal to that of modified phase II, a third site at either Grand Forks or Malmstrom would result in reduced capability to defend Minuteman. This is due to two factors. First, because of the shape or layout of the Minuteman fields, the number of Minuteman silos that could be protected by a third site at Grand Forks or Malmstrom would be about 70 percent of the number protected by a site at Whiteman. Second, for an equal cost program, fewer interceptors could be deployed with the third site at Grand Forks or Malmstrom. This further reduction, resulting in only about 35 percent of the interceptors that would be deployed at the Whiteman site, is caused by the necessity to compensate for the program stretchout costs resulting from the delayed availability of a third site at Grand Forks or Malmstrom.

If, alternatively, a Minuteman defense capability equivalent to that of the modified phase II—the two phase I sites and Whiteman—were provided under the Brooke amendment, then, instead of three Safeguard sites, four sites would be required—two at Grand Forks and two at Malmstrom. The fourth site is necessary to provide a sufficient number of Sprint protected Minuteman silos under the restrictions of the amendment. The increased equipment requirements and the program stretchout would result in an increased program cost of $0.5 billion to provide equivalent capability.

In addition to comparison of performance and cost, there is the question of the impact of the amendment on deployment schedules. The three-site deployment under the amendment restrictions would be delayed about a year beyond the time the recommended three-site deployment would be available. This is due in part to the advanced engineering for Whiteman that was done under the Sentinel program, and in part to the more limited construction period available because of severe winters at Grand Forks and Malmstrom. For the four-site deployment under the amendment, a delay of about 15 months is incurred to get a level of defense equivalent to the proposed three-site modified phase II. Either way the amendment is interpreted—less defense for the same cost or more cost for the same defense—defense of Minuteman lags what we could do if modified phase II were approved.

The stretchout described above naturally contributes to increased costs. It is stretchout, plus the cost of an additional missile site radar and its Sprints, that results in the increase of at least $0.5 billion over the recommended program. This increase does not take into account inflation, which would probably further increase the added cost of deployment under the Brooke amendment.

Quite apart from considerations of cost and schedule, which do not favor the amendment, it has no other advantage. There is no advantage as far as strategic arms limitations talks are concerned. The Soviets would see little difference whether we restricted deployment to North Dakota and Montana or proceeded with deployment in North Dakota, Montana, Missouri, and perhaps later in Wyoming. Safeguard batteries in any or all of these States clearly cannot defend the very heavily populated regions in the Chicago-Boston-Washington triangle or the Seattle-San Francisco-Los Angeles area. Consequently, Safeguard defense of Minuteman, no matter how it is distributed in the Minuteman fields, does not degrade the Soviet deterrent force.

Although Safeguard sites at Whiteman, and possibly later at Warren, would not degrade the Soviet deterrent they would provide much greater protection for our strategic bomber force than additional deployment at the phase I sites. They would also provide the ability, if required in the future, to proceed more efficiently with protection of the bomber force.

Mr. President, I wish to reiterate the fact that the administration is very much opposed to the Brooke amendment. It favors the committee position as the minimum position that it can, indeed, endorse and support.

At this point, Mr. President, I make reference to a chart inserted in the RECORD yesterday by the Senator from Massachusetts (Mr. BROOKE). I regret to say that this chart, which appears on page 29406, is in error, and leads to inaccurate conclusions.

The reason that the defenses discussed under the Brooke amendment appear to be favorable when compared to the three-site defense recommended by the Senate Armed Services Committee, is that unfounded assumptions have been made with regard to Safeguard component capabilities, costs, and the geography of the Minuteman fields.

First, the erroneous assumption is made that "the effective radius of the Sprint missile is such that 100 Minuteman silos can be defended at each base if only a single MSR is used." This is simply not correct. No combination of Sprint performance and the geography of the Grand Forks and Malmstrom Minuteman fields permits protection of this many silos by Sprints that can protect the MSR. In fact, it is deployment at the Whiteman site which provides the greatest number of defended Minuteman silos for a single missile-site radar.

Second, in the case where a preferential defense strategy is assumed, the geography of the Minuteman fields appears to have been ignored. The addition of a second missile site radar close to the approved MSR at either Grand Forks or Malmstrom does not provide an increase in defense effectiveness as great as that provided by the addition of the Whiteman site. This is true at any threat level projected in the table.

The second MSR defends only a few additional Minuteman silos—about 70 percent fewer silos than the radar could defend if deployed at Whiteman.

Finally, the argument that the "Brooke" Safeguard provides the same defense as the Armed Services Committee Safeguard at the same cost is unsound. Proponents of the amendment ignore the substantial increase in costs which results from the stretchout in the program required by the Brooke amendment.

If the Department of Defense is forced to deploy at only Grand Forks and Malmstrom instead of at Whiteman, they will have to reduce the number of deployed Sprints to about 35 percent of those presently planned in order to avoid the expenditure of additional funds. Even so, the defense we get for our dollars will be greatly reduced.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Mississippi has 6 minutes remaining. The Senator from Massachusetts has 10 minutes.

Mr. BROOKE. I am sorry; I did not hear the Presiding Officer.

The PRESIDING OFFICER. The Senator from Massachusetts has 10 minutes remaining.

Mr. BROOKE. Mr. President, some question was raised as to the O'Neill panel report, and I think that it is not only relevant but essential that I read from that report the pertinent sections thereof, which I have referred to earlier in the discussion and colloquy with the distinguished chairman of our Committee on Armed Services.

Mr. STENNIS. Yes.

Mr. BROOKE. It reads as follows:

If the only purpose of Safeguard is defined to be to protect Minuteman, phase IIA as defined in March 1969 should not proceed. Instead, a dedicated system for active defense of Minuteman should replace or, if the need for the MSR is proved, augment phase IIA. As a minimum step, the complement of Sprints at Grand Forks and Malmstrom could be incorporated.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. TALMADGE). The Senate will be in order. The Senator from Massachusetts may proceed.

Mr. BROOKE. The report continues:

In view of the possibility that the expected number of surviving Minutemen may be low for several years, techniques other than active defense should be vigorously pursued and necessary advanced developments related to such techniques should be undertaken. Among the techniques that should be considered are those of alternate basing, including techniques for increasing the number of aim points at which Minutemen might be placed. Techniques other than active defense should be evaluated for cost effectiveness when used to replace active defense and when used in conjunction with active defense.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself my 6 remaining minutes.

As I said this morning, and have stated before, say what you wish, take it as you will, the Senate has already made a judgment on this matter. This is a rerun and a rehash. I say that with all deference. The Senate made a solemn, firm judgment here last Wednesday in a recorded vote, by a margin that was not just razor thin, that the Senate wanted the four sites, and wanted the money put in to go with it.

That news went out all over the world, and has been accepted as such. I did not hear any terrible reaction from our people. But here we come, a week later, on the same issue, with the same facts, with no new light on the subject and no new developments, on the same basic facts, the same position by the President, the Secretary of Defense, the committee, and everyone else, and propose now to strike out what we did a week ago, reverse ourselves, and limit this matter to two sites only. It is proposed to leave the money in that was going toward the four, to be used in some uncertain way. I do not think it is all needed at all, but we are going to use it on these first two sites.

Mr. President, I do not believe that the Senate is now going to reverse itself, on the same facts. I believe we ought to get along with the bill, and I think that our people as a whole understand the situation and expect that.

Furthermore, Mr. President, I do not have any doubt in my own mind that, if we are going to carry out the purposes that we have in mind, of necessity, for proper defenses for the 1975-to-1980 period, we must start now, not 5 years from now, but now, as we started a year ago, putting our energy, our efforts, and all of our skill and learning toward perfecting the very best ABM system that we can possibly get. Otherwise, we leave ourselves open to blackmail. We discredit our President—and I am not talking only about President Nixon, but the Chief Executive, whoever he may be—at the conferences that are now going on, where, in the SALT talks, at long last, things

have started moving, and we all feel better about it. We feel that there is an underlying current that may produce something positive and affirmative, that will lead to some real steps. I do not expect much as a beginning, but a beginning is a beginning.

We have made public announcements about a proposal having been made—I mean that our Government has, our President has—and we recessed the meeting and are going to reconvene soon, and that is the proposal before the world.

Now we come along, just 1 week later, after taking that affirmative stand, and propose pulling the bung out of the barrel, so to speak, and spilling out everything that we have done, and saying to the President: "We have reversed ourselves. You cannot stand as you stood a week ago. We are going to take some of the air out of your tires." We can argue a long time about how much we took out, but I do not think anyone can say that this would not be a letting out of the air from the tires, a lessening of the pressure on the other side, and a setback for our team at the SALT talks, of which the actual head is our Chief Executive, as it should be.

I believe that the cause has been defined, the need has been described, and the vote has been taken; and I do not believe that we are going to turn back now.

EQUAL MINUTEMAN PROTECTION—GREATER COST

If the interpretation of the amendment is to provide a capability to defend Minuteman equal to that of the committee's recommendation, then a fourth site would be required at either Malmstrom or Grand Forks.

The fourth site is necessary to provide a sufficient number of Sprint-protected Minuteman silos. It would not be available until at least 15 months after the Whiteman site can be available. Because of program stretchout and increased equipment requirements—an extra missile site radar and its Sprints—this deployment would result in an increased program cost of from $0.5 to $0.7 billion to provide equal capability.

Mr. President, it is clear to me that we must move forward now to protect the Minuteman deterrent. It is equally clear that there just is not enough Federal money to meet all of the competing claims for the dollar.

The Armed Services Committee spent almost 4 months conducting hearings resulting in printed testimony of 2,715 pages on the military authorization bill. We were acutely aware of the severe financial condition of the Federal Government and the need to recommend the lowest possible authorization consistent with our national security requirements. The committee recommended a $1.3 billion reduction in the defense request.

Yet, under Senator BROOKE's amendment we are asked to spend $500 to $700 million more to give the same Minuteman protection the committee recommends. In my opinion, we would ultimately be spending one-half to three-quarters of a billion dollars to no advantage.

PROTECTION OF STRATEGIC BOMBER FORCE

Another consideration of restricting the Safeguard deployment to only Grand Forks and Malmstrom is the reduction in the protection that can be provided for our strategic bomber force. The deployment recommended by the committee can provide protection to 15 to 20 percent of the strategic bomber force bases. A defense of Minuteman constrained to Grand Forks and Malmstrom would, in contrast, protect only about 5 percent of the strategic bomber bases.

With regard to the SALT talks, I see no particular advantage in the amendment as compared to the committee's recommendation. Neither poses a threat to the Soviet's deterrent, and neither has the capability of providing a significant defense of our population.

In short, Mr. President, I am somewhat baffled by Senator BROOKE's amendment. It has no advantage that I can detect over the committee's proposal. It provides less Minuteman defense for the same cost or the same Minuteman defense at significantly greater cost; it is less timely in achieving operational availability; it provides less protection for the strategic bomber bases; and it provides no additional negotiation advantage, if indeed as much. For these reasons, Mr. President, I urge my colleagues to vote against it and continue to uphold the spirit that rejected the previous attempts to degrade the defense of our deterrent.

There has been talk about what the Defense Department position might be with respect to the Brooke amendment. I have here a very recent letter from the Secretary of Defense. I do not think there is time to read the letter, but the Secretary certainly covers the point and makes it clear that he is not in favor of any part of the Brooke amendment. He believes that our 40-percent increase in capacity should be continued and that this matter should be left as the committee brought it to the floor of the Senate.

I ask unanimous consent to have the letter printed at this point in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., August 18, 1970.

Hon. JOHN STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to respond to your request that the Defense Department comment officially on the Brooke amendment (No. 821) to the Defense Procurement Act (H.R. 17123).

The Department of Defense cannot support, and is opposed, to the Brooke amendment. It is the view of the Department that adoption of the amendment would both increase the cost and reduce the effectiveness of the Safeguard defense of Minuteman.

Analyses conducted at my direction indicate that the cost of providing under the provisions of the Brooke Amendment for a level of Minuteman defense equivalent to the protection gained by deployment at Whiteman Air Force Base would be a minimum of $500 million over and above the cost of the Whiteman deployment. Alternatively, under the constraints imposed by the Brooke amendment. Alternatively, under the constraints imposed by the Brooke amendment a defense designed for the same cost as the Whiteman deployment would be less effective because it would protect substantially fewer Minuteman missiles.

If the Department of Defense were forced to deploy Safeguard at only the Phase I sites, two additional Missile Site Radars (MSR) and associated equipment would be required to reach an effectiveness level equal to the defense obtained for $500 million less at the Whiteman site. The continuing growth of the Soviet threat and the necessity for an orderly Safeguard response would leave the Department no recourse but to request additional funds in this amount.

Moreover, the necessity of operating within the constraints of the Brooke amendment would impose burdens of schedule and technical effectiveness that are clearly inimical to an efficient and cost-affective deployment. A level of defense equivalent to the Whiteman deployment would achieve operational status some 15 months later.

The Department of Defense is, as you know, actively pursuing the development of a system of "dedicated hard-point defense." If and when this defense is successfully developed, and if the threat has then grown so as to exceed the level we now expect, we would anticipate deployment of new components to augment Safeguard. Unfortunately, one effect of the Brooke Amendment would be to prejudice the optimal deployment of this possible supplement to Safeguard since it can be most efficiently deployed when more rather than fewer Minuteman silos are defended. The Whiteman site geography is ideally suited to defense of a larger number of silos.

An additional disadvantage that is inescapable under the terms of the Brooke Amendment would be the loss of Safeguard protection to a substantial number of SAC bombers which are based within the protective umbrella at Whiteman. The cost of keeping on air alert the bombers otherwise protected by the Whiteman deployment is estimated to be a minimum of $250 million per year.

I can find no compensating advantages in the Amendment, and certainly none that would justify an increased cost of $500 million, the costly loss of bomber protection and an unacceptable delay in an adequate level of Minuteman defense.

Sincerely,

MELVIN R. LAIRD.

Mr. BROOKE. Mr. President, not long ago, this body adopted a resolution by a vote of 72 to 6 asking that the President of the United States propose to the Soviet Union a mutual moratorium on ABM and MIRV. Today, we are voting on an amendment to the committee bill providing for further expansion of ABM.

The opponents of the Hughes amendment and the Cooper-Hart amendment argued most eloquently before the Senate that what we needed most at the negotiating table at SALT was a bargaining chip. We had to prove to the Soviet Union that we were not stopping the momentum; that we were going forward; that we were not closing down the production lines; that if they did not negotiate with us, we were prepared to further expand, deploy, and continue to improve our ABM system. I was a supporter of the Hughes amendment. I voted for it. I voted for the Cooper-Hart amendlast year, on which the Senate divided equally, 50–50. This year, I was also a supporter of the Cooper-Hart amendment, which prohibited expansion of the ABM beyond the two bases already authorized, Malmstrom and Grand Forks, and reduced the amount expended for

the ABM program by approximately $322 million.

I then suggested an amendment which I had previously discussed in the Committee on Armed Services, proposing that we reach an accommodation with the President whereby we could limit the expansion of ABM to the existing sites but provide the full amount requested for development and deployment. This amendment would still give our negotiators at Vienna a bargaining chip, still keep open the production lines and give the Secretary of Defense an option to add additional radars at both of the existing sites—in other words, to give us indepth defense of the present sites—without moving on to Whiteman Air Force Base and to Warren, in Wyoming, or in any way incorporating anything which would indicate an area defense.

I want to commend again the chairman of the Armed Services Committee and my colleagues on that committee for recognizing the provocation implicit in an area defense, and authorizing only a deterrent defense. An area defense gives us less security. I am pleased that our committee has recognized that. But I am very much concerned about going into conference, as we will, with the House, which passed a bill giving the Defense Department everything it has asked for—expansion at Whiteman Air Force Base, a new site at Warren Air Force Base, and the advanced preps there and in several additional sites in the Northeast and elsewhere.

If we try in conference to reach a "middle ground" between the House bill and the committee position, we could conceivably end up with area defense as well.

I think the history of past conferences would indicate that both sides generally give up something. If we go in with the committee bill, the something that conceivably could be given up would be an insistence on deterrent defense only, and I think it would be a great tragedy.

I was somewhat buttressed and heartened by the chairman's very forceful statement today that he certainly would hold out for deterrent defense over area defense. That itself is reassuring, I am sure, to many of us. But the fact remains that if we do not adopt this amendment—and I certainly am hopeful that we will—we have then expanded the system. Symbolically, it could be very harmful to us when our negotiators again meet in Helsinki. I have argued—very persuasively, I hope—that we would get comparable protection of our Minuteman force with additional radars at the two existing sites at Malmstrom and Grand Forks, as we would get if we went beyond into Whiteman.

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

Mr. BROOKE. I yield.

Mr. COOPER. I wish to say to the Senator that I support his amendment completely. He has provided the best security for our missile force and, that being true, I think he provides a better bargaining point at the SALT talks. I hope his amendment is adopted.

Mr. BROOKE. I thank the distinguished Senator from Kentucky, who has been the leader in this fight.

The fact remains, in these waning moments, Mr. President, that last year 50 Members of this body voted against ABM.

The PRESIDING OFFICER. The Senator from Massachusetts will suspend. The Senate will be in order.

The Senator may proceed.

Mr. BROOKE. Mr. President, just a week ago, 47 Members of this body voted in support of the Cooper-Hart amendment which was a limitation of the ABM. It is obvious that the Senate is very closely divided on the issue. I cannot see that anyone who voted for the Cooper-Hart amendment could fail at this time to support my amendment which, admittedly, does not go as far as the Cooper-Hart amendment, but which I think is a substantial compromise.

Mr. RANDOLPH. Mr. President, the Brooke amendment does not reduce the amount of money that the defense procurement bill would authorize for the anti-ballistic-missile system.

I am on record on the Cooper-Hart amendment as having supported that effort to reduce the ABM authorization.

Inasmuch as there seemingly is only a geographic limitation in the Brooke amendment, I am not persuaded that it would actually do more than have the result of giving our country less defense at the same cost figure provided in the basic defense procurement authorization measure.

By its defeat of the Cooper-Hart amendment, for which I voted, the Senate already has rejected a reduction in the money to be authorized for the ABM system.

I cannot see any real purpose to be served by limiting the system only as to its geography, and not as to money amount also. Therefore, I cast my vote against the Brooke amendment.

IMPORTANCE OF RESTRICTING DEPLOYMENT OF THE ABM

Mr. KENNEDY. Mr. President, I support the amendment to restrict deployment of the ABM to the two existing sites and urge my colleagues to vote for its adoption.

I have argued, time and again, that the Safeguard system is technically unworkable. I have pointed out that even Pentagon officials admit the vulnerability of the system's missile site radar and the need for research into smaller, cheaper radars which could be part of a dedicated hard point defense.

The Brooke amendment encourages the Defense Department to seek a more effective ABM system, if such a system should prove necessary. It limits ABM expenditures to the two phase I sites, rather than permitting the administration to expand the defective Safeguard system to yet another site. It does not reduce the amount of money to be spent on ABM this year, but at least offers the hope that the money will be spent more wisely.

I do not subscribe to the theory that the Senate must support Safeguard in order to give bargaining chips to our negotiators at the SALT talks. But even supporters of that theory can have no quarrel with the Brooke amendment. The amendment leaves the amount of the administration budget request intact. Surely this is a sufficient bargaining chip.

I also support the Brooke amendment because it is an excellent way for the Senate to make absolutely clear its opposition to the area defense concept.

The Armed Services Committee deleted funds for area defense. Because of this, proponents of Safeguard have been arguing that the system is not provocative or destabilizing. But the administration has never withdrawn its commitment to area defense, and the House bill expressly provides for such defense. There is a real danger therefore that the most provocative aspects of the Safeguard system will be retained.

This danger was accentuated by a television interview given by the Secretary of Defense on Sunday. The Secretary was asked why he opposed the Brooke amendment. He replied that the amendment "would not give us the coverage of the Minuteman field that the third site would give us if constructed in Missouri, and would not give us the follow-on options for either area coverage or for accidental launch coverage that would be available should the third site go forward in Missouri."

In light of this statement by Secretary Laird, I think it is incumbent upon all those who reject the area defense concept, including the members of the Armed Services Committee, to vote for the Brooke amendment. We must make clear to the administration and to the House that the Senate is firmly opposed to any ABM system which purports to do more than protect our deterrent.

Mr. President, the Brooke amendment encourages the Defense Department to seek a more effective ABM system and helps lay to rest the area defense concept. For these reasons, I strongly urge its adoption.

The PRESIDING OFFICER (Mr. TALMADGE). The hour of 1 p.m. having arrived, the Senate will now proceed to vote on the amendment offered by the Senator from Massachusetts.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment offered by the Senator from Massachusetts (Mr. BROOKE), No. 821.

Mr. STENNIS. I thank the Chair.

Mr. BROOKE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 821 offered by the Senator from Massachusetts (Mr. BROOKE).

On this question 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 vote "nay."

The Senator from Ohio (Mr. SAXBE) is detained on official business.

The result was announced—yeas 45, nays 53, as follows:

[No. 260 Leg.]

YEAS—45

Aiken	Harris	Mondale
Anderson	Hart	Montoya
Bayh	Hartke	Moss
Brooke	Hatfield	Muskie
Burdick	Hughes	Nelson
Case	Inouye	Pastore
Church	Javits	Pell
Cook	Kennedy	Proxmire
Cooper	Magnuson	Ribicoff
Cranston	Mansfield	Schweiker
Eagleton	Mathias	Symington
Fulbright	McCarthy	Tydings
Goodell	McGovern	Williams, N.J.
Gore	McIntyre	Yarborough
Gravel	Metcalf	Young, Ohio

NAYS—53

Allen	Fannin	Pearson
Allott	Fong	Percy
Baker	Goldwater	Prouty
Bellmon	Griffin	Randolph
Bennett	Gurney	Russell
Bible	Hansen	Scott
Boggs	Holland	Smith, Maine
Byrd, Va.	Hollings	Smith, Ill.
Byrd, W. Va.	Hruska	Sparkman
Cannon	Jackson	Spong
Cotton	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Stevens
Dodd	Long	Talmadge
Dole	McClellan	Thurmond
Dominick	McGee	Tower
Eastland	Miller	Williams, Del.
Ellender	Murphy	Young, N. Dak.
Ervin	Packwood	

NOT VOTING—2

Mundt	Saxbe

So Mr. BROOKE's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 843

Mr. McCARTHY. Mr. President, I call up my amendment No. 843.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. McCARTHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 843

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

SEC. . Notwithstanding any other provision of law, no live ammunition may be used in any weapon by any member of the National Guard of any State against the civilian population of any State if the weapon in which ammunition is to be used or the ammunition to be used was paid for in whole or in part with Federal funds, unless the Governor of such State has requested permission from the President of the United States for such use of such weapons or such ammunition in a specific locality for the duration of one week and the President of the United States has granted permission for such use.

Mr. MILLER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on the pending McCarthy amendment be limited to 1 hour, the time to be equally divided between the Senator from Minnesota (Mr. McCARTHY) and the Senator from Mississippi (Mr. STENNIS) after the time already allocated to the joint leaders to show our respect, regard, and affection for Mark Trice and after the remarks of the Senator from California (Mr. MURPHY).

Mr. STENNIS. Mr. President, reserving the right to object—and I shall certainly not object to this request—I have said before that I believe, with the ABM matter disposed of now, that the bill can and should move along very rapidly. I think it is possible to get very reasonable consent agreements. I know that the leaders on both sides are very much interested in this matter.

I want to express my opinion on the bill. Almost everything has been rather fully debated. There are some important amendments that will require some time. There is an amendment that brings the whole war into issue. There are other amendments that are rather far reaching. However, they have already been debated somewhat.

I believe that if Senators will stay on the floor, the ones who are interested and feel that they have a chance to get over the substance of their arguments, that will produce agreements to vote.

I think we can move with reasonable rapidity. Certainly it would be tragic if we were not to finish this bill well before the so-called Labor Day recess. I believe that all Senators want to do that. However, we all have to make personal sacrifices in order to do it.

Mr. MANSFIELD. Mr. President, I am in full accord with the views of the distinguished Senator. The distinguished minority leader and I have discussed the matter of meeting even on Saturdays as well as staying in session later in the evenings. I think the prospects for getting time limitations are reasonably good at the moment. If this pending request is obtained, time limitations will very likely be agreed to on other amendments. I ask for the question.

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

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. Mr. President, I know what I am going to say, and I can hardly wait. I wanted to make the same point. If only we could agree on a time limitation now, we could be more accommodating to all Senators as we draw near this brief 2- or 3-day recess.

I believe there is an amendment by the distinguished Senator from Oregon (Mr. HATFIELD), having to do with the draft and/or volunteer service. I do not know whether he is amenable to a definite time or not.

Then there is a McGovern-Hatfield amendment. I do not know how many other amendments there are, but there was a clear indication at the meeting of Republican Senators yesterday that we are ready collectively, as far as I know, to see action on this bill completed as briefly as may be possible, with all due respect to those Senators who feel they need some time to explain their amendments.

So I do not know whether the Senator from Oregon has any time in mind on the draft amendment.

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

Mr. SCOTT. I yield.

Mr. HATFIELD. Mr. President, I would respond to my distinguished minority leader by saying that a number of people have indicated that they would like to be heard on this proposal. I would think no less than 10 hours would be required to hear various presentations. I have been ready to go forward on this amendment for quite some time but I am not going to deny Senators who want to be heard on this matter the right to be heard.

Mr. MANSFIELD. Did the Senator say 10 hours?

Mr. HATFIELD. Yes; I think so.

Mr. SCOTT. On the draft amendment.

Mr. HATFIELD. Yes. If I might ask the Senator to yield again, I do not think we are talking about a simple amendment that would change the language in a particular bill. We are talking about a basic system of military manpower procurement. This goes much to the heart of the Nation's problem today, having to do with our young people. It is a philosophical issue. It is one of the most fundamental issues we will be disscussing in this session of Congress.

Therefore, I think it is more than a mere amendment. As I say, it addresses itself to one of the most fundamental issues in the Nation today. I do not think we could do it in less than 10 hours.

Mr. MANSFIELD. Ten hours is an awfully long time. I say that as one of the cosponsors of this amendment to the bill.

Mr. SCOTT. As I recall the amendment, I would be very brief.

Mr. HATFIELD. I have a 4-hour speech, and then there are other speeches.

Mr. MANSFIELD. As an alternative, rather than agree to a 10-hour limitation, perhaps we should go ahead and take our chances and trust to the good judgment of the Senate as a whole. What I have to say on the matter I can say in 3 minutes, and explain my position—to my satisfaction, anyway—because I am in favor of the Hatfield proposal. The issue is clear. It is easy to determine what is involved.

The Senator is correct when he says that the amendment is important; but I point out that all the amendments are important. However, I must admit they are of a different nature than the amendment initiated by the Senator from Oregon.

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

Mr. SCOTT. I yield.

Mr. HATFIELD. I would be agreeable to setting a time certain, a definite time, for a vote to be taken within a reasonable period, and leave to individual Senators the responsibility to present the facts and to be heard as long as they wish.

I have to be very candid with respect to this matter. I understood there was

some possibility that an effort would be made to make a determination of this matter on a procedural motion. I want to avoid that if possible.

Mr. MANSFIELD. Does the Senator mean a tabling motion?

Mr. HATFIELD. Yes.

Mr. MANSFIELD. As far as the majority leader is concerned, a motion to table will be resisted tooth and nail, unless matters get out of control. I think we have at times been too prone to use that procedure when it is in order to vote on the merits. In ordinary circumstances I am not in favor of tabling actions because again, in ordinary circumstances, every Senator should be allowed to express his views and obtain Senate disposition on the merits. There are times, understandably, when tabling actions are in order but those occasions arise out of special circumstances in my judgment. And I speak as one who himself has resorted to the use of the tabling device. I do not believe such circumstances are here involved to warrant such action.

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

Mr. SCOTT. I yield.

Mr. GOLDWATER. We have many other amendments that have to be considered, and if we reach an agreement today to vote, for instance, next Tuesday, we are going to preclude the consideration of many other amendments.

I would suggest, if it is in order, that we recognize that the Senator from Oregon will offer this amendment on a day of his own determination, probably Monday, and in the meantime all of us who have something to say on it could discuss it and discuss other amendments, and take care of other amendments; and on Monday, Friday, or whatever day the distinguished Senator deems proper, he could offer the amendment with the understanding that at a certain time on a certain day we will vote.

I do not want to see us agree now to any prolonged period of discussion on this amendment where we would preclude consideration and passage of other amendments. Is that possible?

Mr. MANSFIELD. The Senator, I think, placed his finger on the dilemma which confronts us. As the Senator from Mississippi said, and I am sure he speaks for all of us, we not only want to finish this bill, if possible, by the time we go into our Labor Day recess, but we want to complete action before that. There is other business that is being held up. I do not think it becomes the Senate to spend as much time as we have on this bill and to have wasted as much time as we have on this bill. I hope we can get to these amendments. Various Senators have indicated a desire to be cooperative and to place limitations on amendments.

For example, the Senator from Arkansas (Mr. FULBRIGHT), has an amendment on which he is prepared to agree to a 2-hour limitation. The Senator from Illinois (Mr. PERCY) has an amendment on which he is willing to agree to a time limitation of 1 hour; the Senator from Maryland (Mr. TYDINGS) has an amendment on which he is willing to agree to a time limitation of 1 hour; the Senator from Indiana has an amendment on which he is willing to agree to a time limitation of 1 hour. The Senator from Massachusetts (Mr. BROOKE) is willing to give consideration to a 2-hour limitation on an amendment he very likely will offer. So progress is being made. We must now get underway.

I am waiting only the approval of the distinguished chairman of the committee before making the requests covering these amendments.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would inquire whether or not the Senator from Oregon would be willing at the conclusion of the amendment which has been read to lay down his amendment with an agreement to take 7 hours on it and to vote thereafter.

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

Mr. SCOTT. I yield.

Mr. BAKER. With respect to that suggestion, might I suggest as a possible alternative that we attempt to obtain a unanimous-consent agreement that the germaneness rule would not apply, with the understanding that early in the day, those of us cosponsoring the amendment might speak over a period of time without dedicating a great length of time, and still proceeding with amendments as they come up under controlled time.

Mr. SCOTT. I thank the Senator for his suggestion. The germaneness rule would not apply here if debate deals with the overall matter contained within the broad four corners of the bill. That is a very good suggestion and might enable us to use some of the time during the morning period.

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

Mr. SCOTT. I yield.

Mr. MANSFIELD. As far as the amendment offered by the Senator from Oregon (Mr. HATFIELD) is concerned, may I say that I would oppose to the best of my ability, any tabling motion. That goes for all of these amendments.

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

Mr. MANSFIELD. I yield.

Mr. HARRIS. Mr. President, I shall offer an amendment to the amendment of the Senator from Oregon, and that amendment would be in order, so in any time limitation discussion that thought might be taken into account.

Mr. HATFIELD. Mr. President, if the Senator will yield, I would suggest that if we could get some idea of the various amendments that might be offered to my amendment on the draft, we could sit down and figure out a reasonable period of time, and I would be agreeable to a time limitation. In fact, I would initiate the idea of establishing one.

The only reason I was hesitant to suggest it at this time was that I understood a motion to table would be offered at some point before the Senate had had an opportunity to consider this matter and vote it up or down. I want an up or down vote.

Mr. SCOTT. Mr. President, if the Senator will permit me to make a suggestion here, if there is a time certain fixed, then the unanimous consent will be so phrased that no tabling motion can occur save at the expiration of the time. Of course, no Senator could be prevented from making a tabling motion after that time, but a Senator is prevented from cutting off his debate.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, except if the unanimous-consent request required a vote on the amendment at a specific time, at which point the tabling motion would be shut off.

Mr. SCOTT. That is the point I was making. A tabling motion would be shut off if the unanimous-consent request would state in so many words that a vote up or down would occur at a certain time; but if it were simply an extension of time, after which the Senate could dispose of it in any way it wished, and did not provide for an up or down vote, the motion would stand.

Mr. HATFIELD. Mr. President, I would be willing to agree to a time limitation provided that at the expiration of the time limitation we would have an up or down vote.

Mr. SCOTT. I would have no objection to that.

May I leave it this way: that the Senator from Oregon will be good enough to ascertain later how many amendments will be offered to his amendment, and then discuss it with the leadership, and that we will again propose a unanimous-consent request, perhaps later on today?

Mr. HATFIELD. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, the following Senators have indicated an intention to call up amendments, and at the request of the majority leader I have contacted each of the Senators involved and they have agreed to a time limitation on each of their respective amendments. The matter has also been discussed with the able manager of the bill, the chairman of the Committee on Armed Services (Mr. STENNIS).

The Senators have agreed to limitations on each of their amendments as follows:

Mr. PERCY, 1 hour to be equally divided between himself and the manager of the bill (Mr. STENNIS).

Mr. TYDINGS, 1 hour, to be equally divided and controlled in the same way.

Mr. BAYH, 1 hour, to be equally divided and controlled in the same way.

I, therefore, ask unanimous consent that such time limitations be effected.

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

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That during the further consideration of H.R. 17123, the military procurement authorization bill, debate on any amendment to be offered by the Senator from Illinois (Mr. PERCY), the Senator from Maryland (Mr. TYDINGS) or the Senator from Indiana (Mr. BAYH) be limited to 1 hour with the time to be equally divided and controlled by the proponents of the amendment and the Senator from Mississippi (Mr. STENNIS).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations and transmitting a protocol were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GRAVEL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

J. MARK TRICE

Mr. SCOTT. Mr. President, one of the first people a newly elected Republican Senator meets is the present secretary to the minority, Mark Trice, and it has ever been thus. For 50 years now Mark has been the man who has taken the newly elected Senator by the hand and led him into the strange world of the U.S. Senate.

With dedication and deep devotion to duty, Mark Trice epitomizes the unseen and unheralded public servant whose anonymity could never cloak the distinction with which he does his job.

Fifty-four years ago—before many distinguished Senators were born—Mark Trice came to this Chamber. Ten years ago, our late, beloved Senator Dirksen said on the floor of the Senate that he had urged Mark to write a book and title it, "Senators Who Have Known Me." I would like to urge today that Mark do just that. When one thinks of the events that have occurred in the last 50 years and the great men who have graced this Chamber, one can hardly wait for a book like that to be written.

In addition to the service Mark performs for all Republican Senators, I want to personally express my thanks for the help he has given me in my role as Republican leader. As he guided me through my first days in this Chamber 12 years ago, so did he give me invaluable assistance and wise counsel when I was elected Republican leader.

Finally, Mark, I can think of no better words to express how I feel, and how I am sure my colleagues feel, about your dedicated service than the words uttered on this floor just 10 years ago today by Senator Dirksen:

> Deep is our affection, high is our esteem, wide is our admiration for the work you have done and for the service you have rendered.

I salute you, Mark, and I wish for you and your charming wife, Margaret, and your family, pleasure, happiness, and satisfaction in the years ahead.

Mr. President, I ask unanimous consent that all Senators may be given 5 days in which to extend their remarks in tribute to Mark Trice.

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

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, it gives me great pleasure to pause and pay tribute to a man of uncommon ability and thorough dedication, J. Mark Trice.

Mark came to the Senate as a page at age 14 and, except for a 4-year period during which he practiced law here in Washington, he has served the Senate and the Republican Party with distinction ever since.

Mr. President, Mark's 50 years of service in this great body eclipses that of any other Senate official now in office, and it is a record approached by few in the history of the U.S. Senate.

This is an achievement in itself, Mr. President, but it does not tell the whole story. Mark can be best described as a man who is "always there when you need him," and he is there with the facts. No matter what the situation, Mark remains calm and professional, and this enables him to carry out his duties with a high degree of expertise.

Kipling said:

> If you can keep your head when all about you are losing theirs and blaming it on you . . . then you'll be a man, my friend.

Mr. President, Mark Trice is the kind of man as described by this well-known line.

Mr. President, I do not believe I have ever known a man who performs his responsibilities with as much consistent effectiveness, quiet tact, and helpful and considerate manner as does Mark Trice.

Mr. President, we are blessed with a man of quality and ability in a time when such virtues are of greatest importance, and I fervently hope that Mark will continue to serve for many, many years to come.

Mark Trice is fortunate to have such a lovely and capable wife, Margaret Trice, and she has been not only a devoted companion but also a great inspiration to him.

Gratefully I salute my friend, J. Mark Trice, a dedicated public servant, a true patriot, and a great American.

Mr. SCOTT. Mr. President, I now yield such time as he may desire to the Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, I am sure that most of the Senate knows of my close personal friendship with Mark Trice, and I will take only a moment to participate in this time of appreciation of him.

I am not the most senior Senator in this body, but I claim to be the most senior Senator in this body as concerns Mark Trice, because 45 years ago I came here as an assistant clerk of a Senate committee under the late George H. Moses and served in and about the Senate for 4 years.

When I came here 45 years ago Mark Trice had been an attaché of the Senate for several years; and when I came back to the Senate I came to know him again, more intimately and closely than almost any other man with whom I have been associated.

I am proud of being possessed of his friendship. It is one of the treasures that will remain with me when I leave this body.

I cannot phrase adequately my admiration, respect, and affection for him. It is shared, I believe—and justly—by every Member of this body on both sides of the aisle. We hail Mark today as he completes 50 years of service here, and wish for him more years, we hope, of service here, and certainly many more years of the happiness and satisfaction, which he has earned and so richly deserves.

Mr. SCOTT. Mr. President, I now yield to the distinguished senior Senator from Utah (Mr. BENNETT) such time as he may require.

Mr. BENNETT. Mr. President, in a situation of this kind, my mind turns not to the public service that my friend Mark Trice has given to the Senate, but to the many personal kindnesses and forms of assistance he has given to me—things that, by themselves, did not seem to amount to much, but which over the years added up to a great service.

He has always been willing to help me with my problems. He has always been willing to give me advice, and I have always enjoyed the points of view that he has expressed, both on his job and on the doings of this very interesting body.

I think it is fortunate that, if we have men who serve in the Senate for long periods of time, we can have among them a man like Mark, whose seniority and experience have not turned his head, and who has always continued, through the years, to do his job quietly, unobtrusively, efficiently, and with a very pleasant sense of humor.

I am looking forward hopefully to the day when he can recover the job he held for a brief period of time as Secretary of the Senate. With all apologies to Mr. Valeo, I think this would be a wonderful crowning to his 50 years of service. I hope that particular thing will not wait too long, Mark, and I hope once you get it next time, it will last longer than it did the last time, because I think the service you have rendered this body, not only to the Members of your party but to all Senators, deserves that kind of recognition, and I shall add that as an issue in the campaign speeches that I make around the country this fall.

Mr. SCOTT. Mr. President, I yield now to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, may I say to my colleagues how happy and how personally pleased I am to participate in this tribute to a great gentleman, an official of the Senate for the past 50 years in one form or another, a lawyer, a friend, and a good counselor.

When one stops to think what has happened in the history of this country since 1920, when Mark Trice first came to the Senate, and during the intervening 50 years, one begins to wonder about the fast pace this country leads. One begins to recognize the worth of an able official of the character of Mark Trice, who, though the chief official on the Republican side, is neverthelss courteous, kind, considerate, and impartial toward those of us who happen to reside on the Democratic side of the aisle.

He is a good friend who has made his "Mark" in this body. He is a man whose word is as good as his bond. He is a man whom I am privileged to call a friend. He is a man to whom I go for advice as the need arises, and a man whom I have always found forthright and fair in his dealings with all Members of the Senate.

In short, like so many of my colleagues I have come to rely upon Mark Trice and, in my small way, I pay tribute to him today as a man who has contributed much to the welfare of this body, and in so doing, to the welfare of the Republic as a whole. I only hope, may I say to Mark, that I will be around when the next 50 years are concluded.

Mr. SCOTT. Mr. President, I now yield such time as he may require to the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, in the Senate we are so accustomed to having Mark Trice here among us that we almost consider him to be a permanent part of the Capitol. But contrary to public belief, as he told the Republican policy luncheon yesterday, he was not born in the Capitol, and he did not lay the cornerstone.

But there is a certain permanence about Mark Trice which is reflected in some statistics that have come to my attention.

Since the beginning of the history of the Senate, there have been about 1,800 Senators who have served in this body. Since Mark first came here as a page in 1916, he has served with 620 Senators, more than a third of the total number.

So, it will be seen that while Senators come and go—Mark Trice stays on and on—we hope, forever.

In the course of his long service, Mark has been a firsthand witness to the making of history, and often he has been a participant, too. He has seen the Senate meet and deal with many crises, and in the discharge of his official duties he has faced a few crises of his own.

One of these, I am informed, occurred in connection with the inauguration of President Eisenhower in 1953. At the time, Mark was Secretary of the Senate and he served as staff director of the inaugural committee which Senator Styles Bridges headed.

About 9 a.m. or so on the day of the inauguration, just a few hours before the ceremony, someone came to Mark and said the lectern to be used on the occasion could not be located.

Some urgent calls went out to the White House and to other points in the city. Finally, the lectern was located at a warehouse out on Wisconsin Avenue. Truckers were dispatched to rush it to the Capitol steps; it arrived just a short time before the ceremony.

As he has on every occasion, Mark met that particular crisis calmly and effectively—and the lectern was in place when the inaugural ceremonies were to begin.

Mr. President, 50 years is a considerable span of time in any man's life. It is difficult for me, as one of the more junior Senators, to realize that Mark, with his good health, continuing vigor and enthusiasm could have reached such a milestone in his career. Of course, it is also eloquent testimony to the loyalty, integrity and outstanding service he has performed.

Along with so many others who have come to the Senate over the years, I am deeply indebted to Mark Trice in many ways. Although I had spent a number of years in the other body, I came to the Senate as a relative stranger. Needless to say, the ways of the Senate are somewhat different from the ways of the other body. From the beginning of my Senate service I found in Mark Trice a wise guide and counselor.

Day in and day out, from one session to another, he has been here on the floor or in his office, cheerfully making available the great store of knowledge and wisdom he has accumulated since he came to the Senate as a page.

Mr. President, in addition to the extraordinary length of his service, it should be noted that few men have ever served the Senate in so many different ways as Mark Trice.

At various times, Mark Trice has been a page, the Deputy Sergeant at Arms of the Senate, the Secretary of the Senate, as well as secretary to the majority or the minority, as indicated by political circumstances from time to time.

So, I am pleased to have this opportunity to express my personal gratitude to Mark Trice for all the assistance he has given me as a junior Senator and as a Member of the leadership. On and off the floor, his advice and understanding have been invaluable.

It has been written that a man with many friends is a friendly man. This is certainly true of Mark Trice. Mark's friends, in and out of the Senate, are legion. I am delighted to join with them in wishing Mark Trice many more years of distinguished service to the Senate.

Mr. President, if Mark Trice was missed from his accustomed place on the Senate floor a little earlier today, I can report that he had good reason to be absent. He was at the White House for a visit with President Nixon. During the visit, Mark received from the President citation—the second such Presidential citation, I understand, that has ever been awarded—for his distinguished service to the Senate.

Mr. President, I ask unanimous consent that the text of the commendation be printed at this point in the RECORD.

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

WASHINGTON, D.C.

The President of the United States of America awards this Commendation to J. Mark Trice for his 50 years of dedicated service to the Senate of the United States, starting as a page and now as Secretary for the Minority, during which time he has earned the respect and admiration of the Members of the Senate, his colleagues, and many friends.

RICHARD NIXON.

THE WHITE HOUSE, *August 19, 1970.*

Mr. SCOTT. Mr. President, I yield now to the distinguished chairman of the Senate Republican policy committee, the senior Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, approximately 54 years ago, a young boy came to the Senate as a page. He served well and faithfully and became known among the others by his cheerful demeanor and his outstanding willingness to participate in everything demanded of him by the Senators whom he served.

In 1919, in recognition of his abilities, he was appointed Secretary to the Sergeant at Arms of the Senate, which position he held until 1929.

In the meantime, this young lad had studied law and was admitted to the bar. In 1929, therefore, he left the Senate to take up a law practice in the city of Washington.

But the call of the Senate of the United States was too strong—and after 3 years he returned to this building as a Deputy Sergeant at Arms. In 1946 he was elected secretary for the majority of the Senate for the 80th Congress during one of the few periods subsequent to World War II when the Republican Party had the good fortune to organize the Senate. Subsequently, through no fault of his own, he was relegated to the position of secretary of the minority, in which he served until 1953. But in January 1953, in another one of those rare recent occasions, there was a Republican Senate and this ex-page was again elected secretary to the majority, in which capacity he served for 2 years until again, by the vicissitudes of politics, was appointed to the position he now holds.

The ex-page boy to whom I refer is well known to all of us on both sides of the aisle. J. Mark Trice today celebrates his 50th anniversary of service to the U.S. Senate and to the Republican Party.

Those of us who have had occasion to deal with Mark Trice, whose lives have had the good fortune to intersect with his, have come away with the deep and certain knowledge that there stands one of the bulwarks of this body. Here, in his person, is one of the men little known outside the circles in which he moves, anonymous outside the walls of this building because he prefers it that way, but inside, and in this Chamber, one of its supporting pillars.

The Senate is better for having had Mark Trice serving it for 50 years. Seldom has any man achieved a record comparable to his. I know I speak the sense of everyone here in saying that we honor him and respect him, and wish for him many more years of continued service on the rolls of the U.S. Senate and in this Chamber.

Mr. President, Mark Trice is one of that very strong and quiet breed of men who have made our country and its institutions what they are. I know I can speak for everyone in thanking him for his extraordinary contribution to each of us and to the Senate.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Oklahoma (Mr. BELLMON).

Mr. BELLMON. Mr. President, as a new Member of the Senate, I want to join my colleagues in expressing respect and admiration for Mark Trice.

I am a new Member of this body, but in the brief time I have been here, I have found that Mark Trice is eminently fair to the junior Members of the Senate. I have found him to be a source of knowledge and wisdom, based upon the lifetime of service and devotion to duty with which he has characterized his service here. I have found him to be completely able and always willing to be helpful to junior Senators.

I should like at this time to thank him personally for the help he has given me,

as he has given to others in my situation over the years.

I am very proud, in this way, to join in paying tribute to Mark Trice upon the completion of a half century of service to the Senate, and to join others in wishing for him many more years in the same capacity.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Florida (Mr. GURNEY).

Mr. GURNEY. Mr. President, I take great pleasure in joining this tribute to Mark Trice.

He has served the Senate in various capacities since the administration of Woodrow Wilson. We are talking today about his 50 years with the Senate. But in looking at my Who's Who, I note that his service as a page began not 50 years ago but 54 years ago. He attended Georgetown Law School during his tour as Secretary to the Sergeant at Arms 1919 to 1928; had a brief stint in private practice, 1929 to 1932, and came back to the Senate as Deputy Sergeant at Arms from 1932 to 1946.

He was secretary to the majority in the Republican controlled 80th Congress, 1947 to 1949, and went back to minority status in 1950.

He has been an employee of the Senate longer than many of our younger Senators have lived. President Kennedy was born in 1917—the year after Mark became a page. When Mark came to work here, Charles de Gaulle was a prisoner in a German prison camp; Conrad Adenauer was the mayor of Cologne; Franklin Roosevelt was an Assistant Secretary of the Navy; Dwight Eisenhower had just graduated from West Point; and Lyndon Johnson was in grammar school. President Nixon was still a preschool youngster at Whittier. The span has been enormous, and the list of illustrious men who have served in the Senate during Mark's tenure is legion.

Mr. President, we in the Senate are blessed in having men like Mark Trice to assist us. We are deeply indebted to him and to the nameless gentleman who first convinced him to come to work for the Senate, and I wish him further long, continued service in this great legislative Hall.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, among my warmest and most pleasant memories of the first days I spent in Washington as a very junior freshman Senator, was the greeting I received from the gracious and generous secretary of the minority of the U.S. Senate. Mark Trice not only made me feel welcome but by his words, his actions, his very presence, imparted that feeling of belonging which is so vital to a newcomer to the Senate.

I soon found that this warmth and generosity were matched by his efficiency and effectiveness in helping me to establish my office and the routine necessary to the conduct of business. His helpful suggestions and ideas were numberless. And his knowledge about the Senate was so encompassing as to be staggering.

In succeeding days he has ever been ready at hand to help and to share his knowledge.

I have found that I am not alone in my deep admiration for the way in which Mark Trice greeted me and helped me. For over two decades he has been doing the same thing in the same easy, gracious way for every new Republican Senator.

Mark Trice does not come by these enormous assets through some miraculous gift, but rather through long and assiduous attention to the details of the many and varied tasks he has performed for the Senate and Senators. If there is any man alive whose very life and love have been the U.S. Senate that man is Mark Trice.

From boyhood he has served this body, as a page, as a secretary, and as an officer of the Senate. His entire life has been dedicated to the smooth functioning of the Senate as a parliamentary body, and to the well-being of individual Senators.

His devotion to the Senate and to its Members is deep and all consuming.

This great love of the Senate is such that it is easily transmitted to others. Those who are fortunate enough to see the Senate through his eyes find in it more than a mere political institution, but rather find it a very cornerstone of the American democracy.

Mr. President, let me say that in Mark Trice we have an extraordinary example of a man who has dedicated himself to the service of his country and the welfare of his fellow men.

It is with great pleasure and deep feeling that I add my voice to the chorus of those who say to Mark Trice after a half century, "You have done great and honorable service." It is with equal feeling that I add, "The past is but prelude to an even greater service."

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Florida (Mr. HOLLAND).

Mr. HOLLAND. I thank the distinguished Republican leader for yielding to me in this connection.

Mr. President, the Senator from Florida happens to be a mere freshman in point of service in the Senate compared with Mark Trice. I have served here only 24 years. But from the time I came here I have received kindness and frequent acts of service and every bit as much consideration as I would have received had I sat on the other side of the aisle.

I had the pleasure of traveling with him and his lovely wife, and others, to the statehood celebration in Hawaii, and I want to say that on that trip I found him to be of valuable service and kindness not only to me but also to all who traveled with us. He was one of the indispensable members of the delegation because of his uniform courtesy to everyone and the fact that he joined in all the worthwhile things that took place on that trip.

I want this word, coming from this side of the aisle, to be added to the encomiums which have been spoken from the other side of the aisle.

I do not believe that anyone in the Senate could be happier about the Presidential award and honor which has come to Mark Trice today than the senior Senator from Florida.

I congratulate him. I am happy for him.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. Mr. President, I thank the Republican leader for yielding to me and allowing me to say just a word at this point.

The tourist guides point out the place in the center of the Capitol, deep under its dome, where George Washington was supposed to have been buried.

I predict that future tourist guides will find a spot in the Capitol where, in spite of his denials, Mark Trice was supposed to have been born.

It is rare that a man can be so identified with his profession as to be actually a part of the fabric of the Capitol itself. I believe that that is why the legend has arisen that Mark Trice was born in the Capitol, because he is so nearly a part of the Capitol itself.

Mark Trice has made the Senate his profession. For some Senators the Senate is a laborious vocation. For other Senators it is an elegant avocation. For Mark Trice it has been the object of a career of dedicated professionalism, a dedication that is rarely seen in ordinary walks of life.

As a Senator from Maryland, I have a special reason to be thankful for Mark Trice's 50 years in the Senate.

His experience in the mysterious ways of the Senate, his knowledge of the traditions of the Senate and the way its mores affect its deliberations and determinations, and his instinct in finding a way through the parliamentary maze, are all talents beyond any price.

Maryland is fortunate in being able to count Mark Trice among her citizens because he, in a sense, gives Maryland the unique distinction of having three Senators.

I personally share in the deep sense of appreciation which has been expressed here today for the kind of service and for the quality of service that Mark Trice has rendered to the people of the United States through his service in the Senate.

I thank him for it and for the example he has set before all—every one of us who attempts to serve the people of this Republic.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Delaware (Mr. WILLIAMS).

Mr. WILLIAMS of Delaware. Mr. President, it is a tradition in the Senate, when we speak of one of our own associates, always to use flattering terms, but today the remarks being made about Mark Trice are not idle flattery.

Seldom does the Senate have an opportunity to greet and pay respects to one of its own who has had such a long and distinguished record as has Mark Trice with his 50-year record, and never has the Senate taken time to pay tribute to a more highly respected public servant.

Mark Trice during his 50-year record of service in the Senate has brought honor to himself, his family, and the Senate.

Mark's most brilliant achievement, however, was not his career in the Senate but in persuading Margaret to be his

bride and guiding counsel, and his luckiest day was when Linda came to join their happy home.

I am proud to join my colleagues in extending to Mark and his family our best wishes.

Mark, I congratulate you on a job well done.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Hawaii (Mr. FONG).

Mr. FONG. Mr. President, I want to thank the distinguished Republican leader for yielding to me.

Mr. President, I desire to join my colleagues on both sides of the aisle in congratulating Mark Trice, secretary for the minority, on completing one-half century of service in the U.S. Senate.

It seems like only yesterday that we extended our best wishes to him on 45 years of service. At that time, only the then President pro tempore of the Senate, the beloved senior Senator from Arizona, Carl Hayden, surpassed Mark in point of tenure.

With Senator Hayden's retirement, now Mark "outranks" us all.

This is truly a remarkable record.

I should like to repeat what I said 5 years ago in saluting Mark on his Senate seniority, for it is just as applicable today, with even greater emphasis. His is a remarkable record in point of ability, for though the political tides have shifted and though many Senators of diverse views have served in this body during the past 50 years, Mark Trice served all with the same diligence and the same selfless devotion to duty. We could not want a more faithful assistant.

It is remarkable in point of deportment, for Mark Trice has maintained an exceptionally high standard of conduct over five decades. We all know him as a man of impeccable integrity.

It is remarkable in point of esteem, for regardless of party affiliation, all who have come in contact with Mark have held him in highest regard. He is a gentleman and a scholar.

It is remarkable in point of disposition, for in spite of the pressures, in spite of the rigors, in spite of the frustrations of his arduous position, Mark has remained calm, cool, collected, and courteous. We could not ask for a more even-tempered aide.

I personally am indebted to Mark for many courtesies and kindnesses shown me since coming as a freshman Senator to this body in August 1959. His assistance has been invaluable. As we say in Hawaii, "Mahalo nui loa," thank you very, very much.

I would be remiss if I did not note for the record, that despite 50 years of hard work in the U.S. Senate, Mark Trice retains his youthful vigor and energy. I wish him many more years of continued health and happiness and hope that he will continue to accumulate many more years of seniority in the Senate.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, I take great pleasure in adding my few remarks to the universal words of praise for the work of Mark Trice on the celebration of his 50 years of service.

I have only been in the Senate for some 8 years. However, on all occasions I have not only enjoyed working with him on Senate procedures but have also enjoyed his courtesy, his humor, and, on several occasions, his hospitality. It has been most pleasant.

I have an aide who started his service in the Government as a page in the Senate. But even he has not achieved this august maturity of having acquired 50 years of knowledge of Senate procedure.

Mark, I salute you. I have enjoyed my association with you. I hope that we will have together many more years in the Senate.

Mr. COOPER. Mr. President, when I came to the Senate for a 2-year term in 1947, Mark Trice was the second person I met, Senator JOHN WILLIAMS of Delaware, who was entering the Senate, being the first Senator I met.

In the years since that time, during my service in the Senate, I have seen Mark Trice quietly and effectively carrying out his duties, serving all the Members of the minority, and indeed serving the U.S. Senate, with honor and dignity.

I remember that in 1964, at the time of the unfortunate incident of Mr. Baker, we were proud but not surprised that Mark Trice was untouched in integrity and honor.

I am glad to join in this tribute to Mark Trice as an effective public servant, as a faithful official of the U.S. Senate and our country, and as a man of character. I also extend to Mrs. Trice, a gracious woman, congratulations and best wishes.

Mr. PROUTY. Mr. President, as we commend J. Mark Trice for his 50 years of service in the U.S. Senate, it is easy to allow one's praise to become lofty. I would like to keep my praise down to earth. The best way I can put it is: Mark, there are so many times that I recall when I could not have done my job without you.

In his role as Secretary for the minority, Mark's assistance and counsel has been invaluable.

I share the appreciation of my colleagues for Mark's service. I commend Mark for a proud record of a half-century of service to the U.S. Senate.

Mr. MILLER. Mr. President, it is a pleasure for me to join with many of my colleagues in paying tribute to J. Mark Trice, the able secretary to the minority, on the occasion of his 50th anniversary of service to the U.S. Senate.

When I realize that this is my 10th year in the Senate, those 50 years of service seem like an impossible achievement. And it is obvious that such an achievement would not have been possible were it not for Mr. Trice's deep love of the Senate and its Members.

It is this attitude which bespeaks the high quality and character of the service he has provided—knowledgeable, prompt, patient, accurate, good humored, respectful, and tolerant. What more could any of us ask?

Mark Trice has been so much a part of the Senate that, except when a rollcall vote is taken, it seems as though we have always had 101 members.

I share the prayerful hope of all of us that we will have the benefit of more years of splendid service from this outstanding public servant, whose personal friendship I highly esteem.

I would be remiss if I did not add that we also appreciate the fact that the man on the firing line usually performs in direct proportion to the loyalty and steadfastness of his wife back home, so Margaret Trice should also be accorded our fond salute.

Mr. PERCY. Mr. President, when I first heard of the plans to pay tribute to Mark Trice on his 50th-year anniversary, I was all prepared to join my colleagues in a rousing chorus of "Happy Birthday" and cheer Mark on as he blew out the candles on his cake.

Now, I have learned that we are paying tribute to Mark's 50th year of service to the Senate as secretary to the minority, and my reaction is one of admiration and reverence. All the times I have looked across the Chamber and wished I had the stamina and spirit Mr. Trice has, even when we were conducting business into the wee hours of the night, my wishes were predicated on the understanding that we were approximately the same age. Now I am really taken aback.

Seriously, I want to express my personal gratitude to Mark for his unfailing assistance to me and my staff during the 3 years I have served in the Senate. He has helped me to find my way around the Senate and has taught me that I can rely on him when I need to. I am confident that if the rest of the Senate business were conducted as smoothly as Mark handles his, we could adjourn every year by Labor Day.

I am sure that in this election year, Senators are especially sensitive to the rigors of achieving a long tenure in the Senate. That one's history in the Senate should be both long and very distinguished is especially noteworthy. Mark Trice has such a record, and I commend him for his long and devoted service.

Mr. PEARSON. Mr. President, I share with Senators this afternoon the feelings which have been expressed toward Mark Trice.

It is something for a man to start at the bottom in this great institution of our Government, the Senate of the United States, as a page, and to come up through the various steps into the position which he occupies as the secretary to the minority. He spans 50 years in this body, and obviously and factually he has seen men come and go.

It was only a little more than 8 years ago that I had the privilege of coming into this body as a Senator from Kansas. I quickly found that one of the most helpful men in the Senate was Mark Trice.

He can keep confidences; he is and has been fair; he has been more than helpful on many occasions; he is a model public servant.

Mark, I congratulate you on 50 years of distinguished public service and would offer you my thanks, as a U.S. Senator and a Republican, for your service, dedication, and devotion over the years. I wish you many more years of happiness and health.

It is a pleasure for me today to join in these tributes to you.

Mrs. SMITH of Maine. Mr. President,

this is Mark Trice Day in the U.S. Senate, and I am delighted to pay a richly deserved tribute to him on this 50th anniversary of his affiliation with the U.S. Senate. For 50 years he has given outstanding and distinguished service to the U.S. Senate.

No one has been conducting Senate business that long. And one of the most remarkable facets of this brilliant record of Mark Trice is that it has been achieved at such a relatively young age. I do not know what his age is, but, from his youthful appearance, it seems to me that Mark Trice must have been born in the Senate Chamber to have been with the Senate for 50 years.

He does so many things to facilitate and expedite the work of the Senate and he is such an indispensable executive on the minority side that it would be futile to try to list all of his indispensable activities. About the best way I can summarize his role is to say he is to the Republican side of the Senate what John McGraw was to the New York Giants, or Miller Huggins, Joe McCarthy, and Casey Stengel to the New York Yankees, or Knute Rockne to the Irish of Notre Dame, Bud Wilkinson to the Sooners of Oklahoma, and Vince Lombardi to the Green Bay Packers.

For while they were not the players of these teams on the baseball diamond and the football gridiron, they were the brains of the teams and they devised the plays and the strategy. In equal manner, while Mark Trice has not been a Senator from the standpoint of actually casting votes, engaging in debate, or making motions and offering amendments, he has been the manager and coach on the Senate Republican sideline and in the Senate Republican dugout masterminding the Republican team that he fielded in the Senate.

Among the many fine things that he has done for me and which I shall never forget has been his constant vigilance to help me prevent missing rollcall votes. Without him I could not have accomplished the string of 2,941 consecutive votes.

We all—regardless of political party—on both sides of the aisle—wish him well today—and another 50 years as the coach and manager of the Republican team in the Senate.

Mr. JORDAN of Idaho. Mr. President, this week marks the 50th anniversary of service to the U.S. Senate by one of the most dedicated men who has ever served the Senate.

J. Mark Trice, beginning as a page 50 years ago, has held all of the major positions auxiliary to the Senate. Recently, he has been invaluable as secretary to the minority.

Because of his tremendous background in the traditions of the Senate, I know of no one else who is of more help to the new Senators than Mark Trice, especially during the difficult early days of a Senator's first term in office. His fairness, honesty, and impartial dedication have made him a very important Senate tradition and we hope he shall have many more years of assstance under the dome of the Capitol.

I am pleased to add my voice to those of my colleagues in expressing my admiration, my deep respect, and my warm affection for Mark Trice.

The Senate is a better institution for his service, and I am a better Senator for having his wise counsel and never-failing support.

Mr. YOUNG of North Dakota. Mr. President, I think it is most remarkable that our good friend, Mark Trice, secretary to the minority, is today observing his 50th anniversary of service to the Senate of the United States.

Few people, if any, have served so faithfully and so effectively over such a long period. During half of Mark's 50 years here, I have been privileged to serve with him and have always found him to be most courteous and considerate.

Mr. President, Mark Trice must have been especially created for this job. He has handled many difficult and delicate assignments with his rare combination of good judgment, tact, and diplomacy. I know of no other person who could have survived as long in this position.

One of the nicest things about Mark is that he has not slipped a bit. In fact, he is just as good at his job now as when I first got to know him, if not better. This, along with all the other reasons, gives him little excuse to retire. I hope Mark Trice will be with us for many more years.

Mr. BOGGS. Mr. President, today marks the culmination of a half century of service by Mark Trice to the U.S. Senate and the Nation.

The distinguished secretary for the minority came to Capitol Hill as a page in 1916. With the exception of a brief interlude to practice law from 1929 to 1932, he has been here ever since and his contributions to the workings of this body over the years are many.

He has served as secretary to the Sergeant at Arms, as Deputy Sergeant at Arms, as secretary of the Senate, and as majority and minority secretary; and he has served continuously in his present capacity since 1955.

It has been a great privilege and pleasure for me to work with Mark for the past 10 years. I am certain that all Senators, not only those on the Republican side, share the great respect I have for his ability and counsel.

His tall, quiet presence on the Senate floor has become a familiar figure over the years. This is truly the place where he belongs. Much of the credit for the smooth and efficient operation of this body belongs to Mark. Necessarily, many of his accomplishments go unnoticed and unheralded. His best work often is taken for granted, but, without it, the Republicans would have been confused and in chaos.

Mr. President, many Senators have come and gone from this body since Mark Trice arrived. He has often served as their trusted confidant.

In fact, he has almost become an institution in himself. As he begins his 51st year of service to the Senate and the Nation, I wish him well and will continue to count on his service in the future.

Mr. SCHWEIKER. Mr. President, it is indeed a pleasure for me to join with my distinguished colleagues on both sides of the aisle in paying tribute to a friend and a great public servant, Mark Trice, for his 50 years of faithful service in the Senate of the United States.

Though I served in the House of Representatives for 8 years prior to coming to the Senate, I was still a stranger to many of the Senate's procedures, and I thank this distinguished secretary for the minority for being a tremendous help to me during this transitional period, as well as throughout the entire 91st Congress.

Mark has been a part of the Senate from the time he first served as a page in 1916 to his present position in 1970, with the exception of 3 years when he practiced law, and his dedication and devotion to the institution he has served so well deserves wide recognition.

Mark Trice represents the 20th-century Senate. His outstanding guidance, his friendly manner, and his vast knowledge have been an asset to all Senators. I commend this distinguished personality for his outstanding efforts.

Congratulations Mark, on this, your 50th anniversary, and best wishes for the years to come.

MARK TRICE: FRIEND AND MINORITY SECRETARY

Mr. SMITH of Illinois. Mr. President, I wish to add a few simple words of appreciation to those that have already been spoken about our friend and minority secretary, Mark Trice. As the newest Member of the Senate, I have probably known Mark Trice for a shorter time than any of my colleagues, but in that time, I have probably had reason to seek his assistance and good counsel more often than those of my colleagues who enjoy the benefit of longer Senate tenure. Mark Trice has never failed to offer that extra measure of assistance that made my transition from service in the Illinois House of Representatives to service in the U.S. Senate just a little easier, more convenient, and less bumpy. It is a pleasure to congratulate Mark on this anniversary of the beginning of his long and valuable service to the Senate, and to the people of the United States.

MARK TRICE: 50 YEARS OF DISTINGUISHED SERVICE

Mr. BROOKE. Mr. President, seldom in anyone's lifetime does the opportunity arise to salute a friend and colleague on the fulfillment of 50 years of service to a single institution. Even less often does a man of Mark Trice's quality and caliber devote himself so untiringly to the service of representative government in a free society.

I could not help thinking back, last evening, over all the many events in which Mark has participated during his 50 years in the Senate. When he first took office here, Senator Warren G. Harding had just been nominated for President of the United States. Mark served during his incumbency, and that of Calvin Coolidge. He served while Herbert Hoover was in office, and during the great depression. He served the 16 years of President Franklin Roosevelt and the New Deal, through the Second World War, the Marshall plan, and the rebuilding of Europe, the Korean war, the Eisenhower years. He has served through the turbu-

lent decade of the sixties. And now, still vigorous, still patient, and very wise, he is prepared to face a new decade here in the U.S. Senate.

Mr. President, it takes a very great man to grow with so many ages, to adapt to change and, in the parlance of the day, not "lose his cool." Mark Trice is such a man. He has the highest respect of his associates in the Senate, and I humbly join them in saluting him and Mrs. Trice on this great anniversary.

MARK TRICE HAS ENDURED

Mr. RANDOLPH. Mr. President, I join today in expressing tribute to J. Mark Trice, the secretary for the minority, who is completing a half century of service in the U.S. Senate. Others have been here longer, but no other man has held all the positions of trust in the Senate. Hundreds of Senators have come and gone during those 50 years, but Mark Trice has endured. His period of service covers the terms of 10 Presidents—and the most eventful period in our Nation's history.

When Mark Trice started as a Senate page, this Republic was just months away from entering into a world conflict, a "war to end wars." He is living witness to triumphs and tragedies, the first noble experiments in social engineering, the boom and bust and boom again of America's economy.

Mark Trice has seen America's horizons raised from an ocean hop to a moon landing, and the scientific genius that produced nuclear energy for destruction turn hopefully toward the salvation of mankind.

The loyalty, diligence, and ability that Mark Trice has given to the Senate and to America should not be forgotten, for certainly it canot be duplicated.

Mr. TOWER. Mr. President, I would like to join my colleagues in commending Mark Trice, who is today celebrating the completion of 50 years of service in the U.S. Senate.

Mark Trice's record speaks for itself. Over the 50-year span he has served as a page, an Assistant Sergeant at Arms, Sergeant of Arms, Secretary of the Senate, and now secretary to the minority. He has undertaken all of these tasks with a sense of dedication and pride. Anyone who knows Mark, as we in the Senate do, recognizes the contributions which he has made to the legislative process. I think I speak for all in saying he has truly facilitated the Nation's work.

Anyone who knows him must also marvel at his youth. I am sure we have it on good authority that he has been in the Senate for 50 years, but—considering his remarkable appearance of youth and vigor—one can be forgiven for asking if he was born in this Chamber.

Mark, I congratulate you and wish you well. Also, my thanks for your unfailing assistance and many courtesies, both to me and to my staff.

Mr. STEVENS. Mr. President, today we in the Senate are privileged to commemorate the 50th anniversary of Mark Trice's service.

As a young Senator, I have often turned to Mark for advice and information. He has never failed me. Each of us has his own reason for dedicating himself to public service. It is rare that we encounter the selflessness and dedication of a public servant such as Mark Trice. I feel that it is a privilege to be able to extend my congratulations to him.

MARK TRICE STAYED IN THE SENATE MORE THAN A TRICE

Mr. HRUSKA. Mr. President, although Webster's dictionary defines "trice" as a brief space of time, it has been 50 years since Mark Trice began his service to the Members of this body. It is my great privilege today to join my colleagues in paying heartfelt tribute to Mark for his half century of loyal and dedicated service to all of us and to the many great men who have stood in this historic Chamber in years past.

Starting 50 years ago as a page, Mark Trice has humbly and quietly watched the Nation's legislators come and go. He has been a friend to all—the great and the near great—and he has served them all with distinction, with understanding, and with true friendship. His helpfulness has known no bounds nor tolerated any distinctions.

Throughout the nearly 16 years of my own association with him, he has consistently represented the highest type of public service. We all know what a priceless commodity such selfless public service is, and it would be well to stop a moment to consider how fortunate we on this side of the aisle are to have the privilege of such service from a man like Mark Trice.

It is also appropriate, Mr. President, that we are able to join in this tribute while Mark is still with us. It has often been my regret that we have stood in this Chamber and spoken such words as these while mourning the departure of a beloved colleague. No matter how great the praise, there is unfortunately a quality still wanting in such a tribute. Is there one among us who has not yearned on such occasion for one fleeting opportunity to direct the praise to our colleague himself?

Of course, it is an opportunity which will not return once it is lost. It is a most rewarding experience, therefore, to be able to deliver these words of friendship and tribute to the gentleman while he is still in our midst. It is my conviction we would all benefit if more words of praise were offered under circumstances such as these.

There are many, many things which could be said about Mark Trice, Mr. President, though it would be difficult to summon words which do justice to our gratitude for his service. May it suffice to say we hope Mark will be with us as long as he would like. It certainly would be a different Senate without him.

Mr. JAVITS. Mr. President, 50 years of Mark Trice is an unalloyed pleasure and I say that even though I have been here for only 14 of the 50 years. The universality of Mark's appeal is shown by the unanimity of that opinion whether a Member has been here for a few months or decades. Mark not only senses the mood of the Senate but he senses the mood of each of us. He has that ineffable combination of grace and affection which attributes to each Member the faith and patriotism which alone sustains us in these arduous tasks. I join all Senators in bespeaking for him the ancient blessing of my faith for his lifetime until 120 and for his family, peace and goodness all their days.

Mr. SCOTT. Mr. President, it has been a great privilege for the Senate to pay tribute to so fine a friend, so good a civil servant, so devoted a public official, and to make here a record of our affection and our very high regard for him and for this great half a century of distinguished service.

Mr. President, at this point I yield to the distinguished Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, I join with my colleagues in the tribute which has rightfully been paid to Mark Trice today in recognition of his 50 years of invaluable service to the U.S. Senate. His service, as has already been stated, goes back to the days immediately following the administration of President Woodrow Wilson, almost spanning my entire lifetime. He has seen hundreds of Senators come and go in that period, and he has worked with the great and the near great.

In my 12 years in the Senate I have found Mark Trice to be a very warm, congenial, and affable friend—one who is always ready to listen to the problems of those of us who are elected to the Senate and, may I say, he has always been equally ready to assist in any way he can.

His accommodation of Senators extends across the aisle to those of us on the side where I stand. He is highly respected by all Members of the Senate. He is a man of integrity, an able man in whom we all place our trust.

I look upon the service of a man like Mark Trice—a service which is unequaled as far as I know—as a pearl of great price in a chalice of silver.

I wish for him many more years of rewarding service in his important position. I wish also that his family and friends will be able to cherish the thoughts that have been expressed today by the Members of the Senate.

Mr. President, the Senate could not function without men like Mark Trice. We Senators could not serve our constituents as well as we are able to serve them were it not for public servants like Mark Trice who stand at our sides and answer our beck and call and assist us in many, many, many ways.

Mr. President, I want personally to recognize that assistance by expressing to Mark Trice my own appreciation by saying that if that appreciation could somehow be miraculously transmuted into jewels, I would immediately lavish upon him more diamonds, sapphires, and rubies than were worn by the Queen of Sheba when she visited King Solomon, and I would bestow upon him more precious stones than Cleopatra ever displayed before Mark Antony and Julius Caesar.

Mr. SCOTT. Mr. President, after the Egyptian interlude, I yield now to the Senator from Kansas.

Mr. DOLE. Mr. President, I want to add my words of commendation to Mark Trice.

I served in the other body for 8 years. The other body from time to time takes a dim view of this body and of the Members of this body. I am not certain what the genesis of that may be.

I was not acquainted with many of the Senators when serving in the House. I was told when elected to the Senate that I should get acquainted with the Senators, but particularly get to know Mark Trice because he is an outstanding man, he is a gentleman, and he is always most helpful to any Member of the Senate—particularly any new Member.

That advice was good advice. I have followed that advice as a fledgling Member of the Senate and have sought advice almost daily from Mark Trice.

I can only say, as a junior Member of the Senate—and I speak for every freshman Member—that the assistance rendered by Mark Trice has been invaluable. He works quietly, effectively and tirelessly.

I wonder when he has time for any personal business or personal pleasure, because he is constantly doing something for the Senate or performing some service for a Senator.

I was most impressed in the early days of my first year in the Senate, with the day-to-day help and the day-to-day advice and consultation Members of the Senate had with Mark Trice and his unyielding and unending desire to be of assistance.

Fifty years of service is a long time. It has been 50 years of devoted service.

Mark Trice has made his mark. Above all, he has been and is a gentleman and I am proud to know and work with him.

Mr. MURPHY. Mr. President, I have been most fortunate in so many things in life that I do not know of anyone with whom I would trade. One of the most fortunate experiences I have enjoyed has been the friendship of Mark Trice who has done such a magnificent job in this Chamber.

I met him first back in 1935, when I came here on missions connected with problems of the motion picture industry. Then, I got to know him well during the Eisenhower inauguration in 1953. I was charged with programing that inauguration. I assure you, Mr. President, it would not have been possible to do the job we did had it not been for the great help, patience, wisdom, and knowledge of Mark Trice. At that time I did not have the slightest idea I would ever have the good fortune to become a Member of this body, but since I have been here over the last 6 years I know of no one who has done a finer job and who is always available, who is ever patient, whose wisdom and knowledge of the workings of this great body make it possible for fellows like me to do their job to represent their States in this Chamber.

So I shall be eternally grateful to you, Mark Trice, and I am certain all who know Mark Trice as well as I have over the past years value his friendship to a degree beyond words of mine to explain.

Now that he has arrived at this maturity it would be my fondest hope that he will spend another half century guiding Members of the Senate in the proper representation of their constituents, to the strength and well-being of this great Nation.

I congratulate you, Mr. Mark Trice.

Mr. FANNIN. Mr. President, only a few months after I entered the Senate, I experienced the observance of Mark Trice Day. It was in observation of his 45th anniversary of distinguished service.

So, today as we observe his 50th anniversary of service, it is quite normal of me to think of Mark Trice as a permanent fixture who ever will remain in service in these great Halls.

A lot of history has passed his way in the half century he has served as a page and as an officer of the Senate. He has watched five Members go on to become President of the United States—Harding, Truman, Kennedy, Johnson, and now Nixon.

I congratulate him for such a remarkable record while at the same time he remains so youthful in appearance and spirit. Mark Trice is clearly dedicated.

He is such a part of the Senate that he reflects the feeling of the Senate. I am grateful to his assistance during my brief tenure here. His great storehouse of knowledge is an asset to us all.

Many times have I called on the knowledgeable Mark Trice for advice in times of need.

To Mark and his lovely wife, Margaret, I join my colleagues on both sides of the aisle in paying tribute to them and wishing them well many years into the future.

Mr. HANSEN. Mr. President, it is a happy occasion when all of us in the Senate can join in paying tribute to such a man as Mark Trice.

True, Republican Senators for 50 years have had first call on the services of Mark Trice. But, he also served the Senate well, and this means Senators on the other side of the aisle. It means the Congress of the United States, it means our unique and enduring American form of government.

I know of no other Senate staff career which parallels that of Mark Trice. He literally grew up and matured in the Senate. His responsibilities became broader, more delicate, more essential for all of us, as he passed from youth to manhood, to the fullness of years—years of service now measured as five full decades.

Always ready, moving about with that quiet, unobtrusive easy manner, Mark Trice has been much like a sort of maestro helping to keep the legislative process going.

I cannot help commenting on his ready candor—he speaks his mind, he tells us what he thinks we should know, whether or not it is agreeable to our own particular opinions. This is perhaps his most valuable contribution. We know he is a man who says all that is necessary, but only that which is necessary.

Mark, thank you. We are all better Senators for your devoted duty to the Senate.

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. SCOTT. Mr. President, I understand that the senior Senator from California waives the special order previously entered into with regard to granting him 20 minutes.

Mr. President, I yield 3 minutes for the present purpose to the distinguished Senator from California.

Mr. MURPHY. Mr. President, I greatly appreciate the courtesy of the distinguished minority leader.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from California is recognized.

THE B–1 SUPERSONIC BOMBER

Mr. MURPHY. Mr. President, I had asked for time today in order to comment on a report that was made on the floor of the Senate regarding the B–1 supersonic bomber. The report of the ad hoc Subcommittee on Research and Development recommended that $50 million of the suggested $100 million appropriation for this aircraft be deleted.

I read the remarks of the distinguished Senator from New Hampshire, who is the chairman of the subcommittee. As the ranking minority Member, I want the record to show that I did not agree with the report of that subcommittee nor did I agree with the logic that was presented or their reasoning for cutting $50 million from this very badly needed aircraft.

I would emphasize that at one point it was noted that someone in the Department of Defense or the Air Force had said that with certain new configurations the B–52 would be operational into the 1980's. I would point out that the B–52's now doing an excellent job—unfortunately they are still needed in Vietnam—average from 16 to 22 years in age. In another 10 years they would be 26 to 32 years of age.

I am quite certain that under certain conditions they could be kept flying, but this is beside the point. This is like comparing apples and oranges, roller skates with model T Fords, or model T Fords with modern Cadillacs.

Here we are talking about a new supersonic bomber. The B–52 is subsonic. It is getting old. We need this new supersonic bomber and we need it as fast as it can be built.

The only logic I can understand in view of projected circumstances is that we provide the funds for research and development and get on with production of the B–1 as quickly as possible so that the safety of this Nation may be made secure.

Many years have passed since we have had any new type of military aircraft. We find that the Air Force, unfortunately, has had to "make do" in some cases; and I think this is not the time nor is the world condition such that simply because we think this might be expensive, or simply because it might be complex to put together, or simply because there might be some confusion

about the manufacture, that we should cut the funds for the B–1 that have been suggested as needed by the Air Force, and as originally contained in the budget of the Department of Defense.

Therefore, I would recommend most highly to the Senate that we consider the restoration of the $50 million and to do everything possible to assure that the B–1 supersonic bomber which is so badly needed, may be put on the production line as quickly as possible and that it be made operational as quickly as possible so that the viability, strength, and dependability of our military posture may once again be restored.

As I recall, at the time President Eisenhower left office it was acknowledged that we had a 4-to-1 superiority in military strength, not to make war but to guarantee the peace. I am sorry to state that during the past 10 years we have allowed that military strength and superiority to slip away so that now there is some question whether we have any superiority at all. I think it would be dangerous and of very dubious wisdom to do anything except to get on with the construction of the badly needed weapons systems as quickly as we can achieve it. The B–1 is such a system and we should proceed on it immediately.

The PRESIDING OFFICER (Mr. GOLDWATER). The Chair reminds the acting majority leader that the time limitation agreed to on the amendment of the Senator from Minnesota (Mr. MCCARTHY) now begins.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 1 minute, without the time being charged against the time on the amendment, and that another quorum call may then be ordered without the time being charged against the amendment.

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

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE J, 91ST CONGRESS, SECOND SESSION

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive J, 91st Congress, second session, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, transmitted to the Senate today by the President of the United States, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva, June 17, 1925. I transmit also the report by the Secretary of State which sets forth the understandings and the proposed reservation of the United States with respect to the Protocol.

In submitting this Protocol for approval, I consider it desirable and appropriate to make the following statements:

—The United States has renounced the first-use of lethal and incapacitating chemical weapons.

—The United States has renounced any use of biological and toxin weapons.

—Our biological and toxin programs will be confined to research for defensive purposes, strictly defined. By the example we set, we hope to contribute to an atmosphere of peace, understanding and confidence between nations and among men. The policy of the United States Government is to support international efforts to limit biological and toxin research programs to defensive purposes.

—The United States will seek further agreement on effective arms-control measures in the field of biological and chemical warfare.

Today, there are 85 parties, including all other major powers, to this basic international agreement which the United States proposed and signed in 1925. The United States always has observed the principles and objectives of this Protocol.

I consider it essential that the United States now become a party to this Protocol, and urge the Senate to give its advice and consent to ratification with the reservation set forth in the Secretary's report.

RICHARD NIXON.

THE WHITE HOUSE, *August 19, 1970.*

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, in accordance with the unanimous-consent agreement, 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.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from North Carolina (Mr. ERVIN) be recognized for not to exceed 3 minutes on a matter of routine business, without the time being charged against the time on the amendment.

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

SENATE JOINT RESOLUTION 231—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION TO ABOLISH UNFAIR LEGAL DISCRIMINATION AGAINST WOMEN

Mr. ERVIN. Mr. President, I have today introduced a proposed constitutional amendment to abolish unfair legal discrimination against women without robbing them of necessary legal protection. For the information of Senators and Representatives, and the general public, I ask unanimous consent that a copy of the resolution proposing such amendment be printed at this point in the body of the RECORD.

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

The joint resolution (S.J. Res. 231) proposing an amendment to the Constitution of the United States to abolish unfair legal discrimination against women without robbing them of necessary legal protection, introduced by Mr. ERVIN, 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. 231

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. This article shall not impair, however, the validity of any law of the United States or any State which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

"SEC. 2. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

Mr. ERVIN. Mr. President, my proposed amendment is offered as a substitute to the House-passed equal rights amendment. The tragic truth is that no adequate hearings have ever been held on the House-passed equal rights amendment and no reasonable attempt has been made by any of its advocates to analyze its provisions or give the Congress or the country any reliable information concerning the constitutional and legal chaos which would be produced in America if it should be adopted by the Congress and ratified by three-fourths of the States.

An impartial, intellectual, and unemotional analysis of the House-passed equal rights amendment reveals that it represents a potentially destructive and self-defeating blunderbuss approach to this worthy objective; namely, the abolition of the unjust discriminations which society makes against women in certain areas of life.

While the advocates of the House-passed equal rights amendment seem to be unaware of its drastic implications, members of the State legislatures will undoubtedly learn of them if such

amendment is approved in its present form and submitted to the States for ratification.

It is inconceivable that a majority of the members of three-fourths of the legislatures of the 50 States will ever vote to ratify an amendment which nullifies all existing laws making any legal distinction whatever between the respective rights and responsibilities of men or women, no matter how reasonable the distinction may be in particular cases, and incapacitating Congress and the legislatures of the 50 States of any constitutional power ever to enact such laws at any time in the future.

On a subsequent occasion, I shall explain on the Senate floor the details of my proposed amendment and why it should be adopted instead of the House-passed equal rights amendment.

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.

AMENDMENT NO. 843

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call not be charged against the time on the amendment offered by the able Senator from Minnesota (Mr. McCARTHY).

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

Mr. GRIFFIN. Mr. President, reserving the right to object, I wonder if the Senator, in view of the fact that his amendment was not read earlier, and I know it is a brief amendment, would permit the clerk to read the amendment now.

Mr. McCARTHY. I have no objection. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read amendment No. 843, as follows:

SEC. . Notwithstanding any other provision of law, no live ammunition may be used in any weapon by any member of the National Guard of any State against the civilian population of any State if the weapon in which ammunition is to be used or the ammunition to be used was paid for in whole or in part with Federal funds, unless the Governor of such State has requested permission from the President of the United States for such use of such weapons or such ammunition in a specific locality for the duration of one week and the President of the United States has granted permission for such use.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator will state it.

Mr. GRIFFIN. Under the agreement that has been entered into, is an amendment to this amendment in order?

The PRESIDING OFFICER. An amendment to this amendment would be in order, but not until all time on the amendment had expired.

Mr. GRIFFIN. Is the time on this amendment controlled, half to a side?

The PRESIDING OFFICER. Yes. The time agreed to is 1 hour, 30 minutes under the control of the Senator from Minnesota and 30 minutes under the control of the Senator from Mississippi.

Mr. GRIFFIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCARTHY. I yield myself 10 minutes.

Mr. President, the amendment, I think, is clear in its wording. It would require Presidential approval before a State Governor could send National Guardsmen with weapons and live ammunition against the civilian populations of their States.

"Live ammunition" refers to ammunition which can kill or maim.

The phrase "against the civilian population" includes not just the firing of live ammunition, but also the carrying of it to a locality for potential use. A Governor would have to seek and get Presidential approval if he wanted to send live ammunition to a locality. The Governor could not send the ammunition and then wait for a moment of crisis to seek Presidential approval.

Each Presidential approval of a Governor's request would apply to one locality or incident and would last for only 1 week. If a second civil disturbance arose within the same State or community in the same week, the Governor would have to obtain a second Presidential approval before sending armed guardsmen to that second disturbance. The purpose of this limitation is, obviously, to prevent some kind of blanket approval. If a disturbance continued for more than 1 week, the Governor would have to gain further Presidential approval to keep live ammunition on the scene for a second week.

The original responsibility for decision would remain the Governor's but this amendment would give the President an opportunity to prevent a Governor's use of federally supplied weapons and ammunition against civilians. The amendment does not, of course, limit the use of live ammunition by local and State police forces, and we know that there have been misuses of that authority in recent cases.

Gubernatorial control over National Guard units is a contradiction. As its very name indicates, the National Guard is a part of the Federal Military Establishment. The Federal Government pays for 100 percent of all National Guard equipment and 90 percent of its operating, maintenance, and training funds. The membership of the National Guard is directly related to the Federal Selective Service System which accepts service in a National Guard unit under certain conditions as of equivalent usefulness to the national defense as is active duty in the Regular Armed Forces of the country.

The reason why the National Guard is provided with half a billion dollars in Federal funds every year and 400,000 mostly draftable young men is to keep the Guard available for use in foreign wars and against foreign enemies, not for controlling, threatening, or shooting our own citizens.

The bill we are now considering, H.R. 17123, sets a nationwide force level for the National Guard of 400,000 men, the level which has been maintained for the last decade.

It is ridiculous to claim, as the chief of the National Guard Bureau recently claimed, that—

> The States are empowered to have a National Guard through Article I, Section 8 of the Constitution. (Maj. Gen. Winston P. Wilson, July 17, 1970, testimony before the Scranton Commission.)

It is Federal funds and the threat of being drafted into active military service which give the States their National Guard units, not the Constitution.

As for the Constitution, its references to "the Militia" gave the Federal Government certain powers over forces which were maintained at State and local expense, such as State and local police forces and volunteer fire departments of today.

The effect of the Constitution is to say that under certain conditions, the Federal Government can use State militia and State police officers. Article I, section 8, provides a degree of Federal control over military units in the States which do not receive Federal support.

This has been turned around to suggest that the Federal Government has to maintain State militia—the National Guard—to be used by the Governors.

In my judgment, the responsibility of Congress is clear. Congress supports the National Guard by providing it with men and money. When Congress provides men and money, it can and should set appropriate conditions for the controlled use of those resources. When Congress provides weapons and live ammunition, it can and should require the Governors to have Presidential approval before directing those weapons and ammunition at the civilian populations of their States.

Beginning with the Berkeley and Watts disturbances in California in 1964 and 1965, many State Governors have been faced with civil disorders. They have called out their National Guard units to contend with over one hundred civil disorders.

The Guard, for example, was called out in the Detroit riots of 1967.

The lieutenant general of the U.S. Army sent to command the National Guardsmen subsequently described them as "green" and "trigger-happy." In order to stop indiscriminate firing by the Guardsmen, the Army general ordered all units to unload their weapons, but less than 10 percent of the units actually obeyed this order; at that time they were acting as a federalized unit of the U.S. military.

At Kent State University this year, four students were killed by National Guardsmen, we understand, and 10 were wounded.

The FBI investigation has, according to press reports whose substance has not been denied, condemned the firing of live ammunition under the conditions that existed at that time.

It appears that only good luck has prevented more fatalities from the dispatch of guardsmen with live ammunition and weapons to troubled areas.

In Detroit, at Kent State, and in many other civil disturbances, indiscriminate firing by police or guardsmen has often been justified as a response to initial fire by "snipers." In some cases, careful investigations after the fact have shown that there was no fire by snipers at all. Even when there have been snipers, indiscriminate fire by policemen and particularly by guardsmen not trained for this action and not trained as sharpshooters has not solved the sniper problem, but has compounded it.

The Kent State tragedy is particularly important because it illustrates the danger of the Congress's putting soldiers and live ammunition under the command of State Governors without any check on the part of the Federal Government itself. The Governor of Ohio was then running in a closely contested primary for his party's nomination for the U.S. Senate. Two days before the voting, the Governor came into the small town of Kent, Ohio, bringing with him some 800 guardsmen, and delivered an inflammatory speech. The Governor referred to students whom he described as "worse than the 'brownshirt' and Communist element and also the night riders in the vigilantes—the worst type of people that we harbor in America." Then he made his promise to the voters:

We are going to eradicate this problem. It's over with in Ohio.

The guardsmen used their weapons the next day. Though they later claimed to have been threatened by a sniper, the guardsmen responded with a desperate remedy, a barrage of indiscriminate fire into students who were harassing them and into students who were walking between classrooms. Though they later claimed that they were about to be overrun physically by approaching students, the guardsmen killed no one closer than 75 feet away from them.

The dispatch of National Guard units by Governors may be appropriate for some civil disorders and for emergencies, but the dispatch of National Guard units with live ammunition should be an extraordinary measure subject to Presidential approval. If a riot really must be suppressed with the threat or use of live ammunition, Federal troops are surely more likely to remain cool under fire and to obey orders than are National Guardsmen.

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

Mr. McCARTHY. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 additional minutes.

Mr. McCARTHY. National Guard officials are expressing some concern over the fact that the rules of procedure which they generally apply when a National Guard is federalized have not been adopted by all States. There is no indication how many States have accepted that manual of procedure. But on those occasions in which the Guard has been federalized, their actions have been restrained and their direction much more prudent.

If this amendment is enacted, a President can stop a Governor from sending armed guardsmen into action, if he feels that he should. A President could make the choice of authorizing the Governor to send in the Guard, under the direction of the Governor and State officials, or with a federalized guard, as has been done in the past—and send it in under Presidential authority, under Presidential control, and Presidential direction.

Mr. President, it seems to me that this amendment would not, except under the most unusual circumstances which might be conceivable, which are highly unlikely to arise, in any way interfere with the proper use of National Guard units in the kind of emergency in which the use of live ammunition and weapons would be justified as absolutely necessary. It leaves many options open to officials of the State, and, of course, the local authorities, and also it leaves, I think, the President with all the options that he should have.

The responsibility of Congress is quite clear. Training guardsmen is primarily under our direction under the law. Under the law and the regulations of the Federal Government, the financing of these operations is almost 100-percent Federal. In view of this fact, I think we have an obligation to look to the manner in which this kind of military power is used within the confines of the United States itself.

This is the very limited purpose of the amendment which I have offered.

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

The PRESIDING OFFICER. Who yields time?

Mr. McCARTHY. I yield 1 minute to the Senator from Michigan.

Mr. HART. I am embarrassed to know which side of this amendment I am on at this point. I do not know which side of the argument I will come out on. I am not sure whether time should be yielded to me by the Senator from Mississippi or the Senator from Minnesota.

Mr. McCARTHY. I yield 3 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. HART. As I understand it, under the Constitution, unless the Guard is federalized, the Federal Government cannot direct the use, deployment, or conduct of the troops. However, the Senator from Minnesota uses the peg in such cases as the Federal Government, in whole or in part, finances certain material; namely, guns and ammunition, so that we can constitutionally set up conditions as to the employment of those using such material. I assume that is a solid constitutional base.

I share with the Senator from Minnesota the unease that results when we see the indiscriminate use of firearms by National Guardsmen, whether on or off campus.

I would think that we might approach it more effectively and, in the long run, with greater safeguard both to State and Federal jurisdictions, if we could attach as a condition for the grant of the materiel, and its employment and requirement, that the State shall have adopted and made applicable to its Guard, when in the field, the Federal field manual requirement that would apply and operate on the Guard; and, if it had been federalized, might it not be better to condition the issuance of ammunition by guardsmen to those cases where the State Guard had adopted the Army field manual that bears on troop conduct in civil disobedience.

I wonder whether the Senator from Minnesota would think it appropriate to insert that as a condition, rather than an approval from the President. I take it that the sweep of the amendment is concerned not only with the use but also the issuance of it?

Mr. McCARTHY. The Senator is correct.

Mr. HART. Has the Senator from Minnesota given any thought to the appropriateness of trying to tie the Army field manual to the conduct of troops during civil disobedience, to the ammunition limitation he suggests?

Mr. McCARTHY. I have generally opposed that kind of refinement of the amendment to the general statutes. It seems to me that if the President is concerned over that, by direct communication with the respective Governors he could say, "You will accept and establish, first, that you will conform to the provisions of the field manual, 19–15, and if you do that and give me any indication that you want to call out the Guard, you will go ahead and have permission immediately." That is, in effect, what we are saying.

It seems to me, in the interim, until we find out what the National Guard is doing, what it has done about trying to get the State guard to establish some of these standards, we could simply give the President approval and the President could say, "Get the manual in shape and you will have no problem. Call me up and I will say 'go ahead, Governor.'" Until we have that protection, I want to take a look at each Governor, because if we look at the record, some Governors are especially prone to call out the National Guard. They called out the National Guard in the motorcycle riots, we remember. In California, they have called out the National Guard seven or eight times, I believe, in the past 2 years. South Carolina and North Carolina are States which have called out the National Guard.

Mr. HART. Will the Senator from Minnesota yield me 2 more minutes?

Mr. STENNIS. Mr. President, I would be glad to accommodate the Senator, but we have very little time——

Mr. McCARTHY. The Senator from Michigan is on the side of the Senator from Mississippi on this one. I will yield 2 minutes to the Senator from Michigan, or 3.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 additional minutes.

Mr. HART. I thank the Senator.

Mr. President, when a guardsman is called out, even if it is on an occasion that seems to us lacking in justification—for example, a motorcycle crowd in convention and their riot—I wonder whether it would not be a little easier to permit officers of the Guard at least to be in a position to move the troops who do have ammunition, although, perhaps, not issued to them, because, maybe, when we get to the motorcycle riot it is a real Donnybrook and the option might be to try a feint and move away, or run—which is not an appropriate way for a soldier to perform, of course. I think I am familiar with what the field manual suggests is the appropriate method of handling small arms in the case of civil disobediences, assuming that the manual would be adhered to, so that I think we would be doing justice, both to the innocent bystander, to the motorcycle rioter, and to the guardsman. Why can we not condition the grant of the ammunition—for the release of the ammunition—provided that each State national guard department has certified that it has ordered, even though it remains in State status, the field manual requirements with respect to the handling of ammunition?

Mr. McCARTHY. That would be helpful if we had any assurance that it would be handled properly.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. McCARTHY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Mississippi is recognized for 4 minutes.

Mr. STENNIS. Mr. President, we find ourselves here in the midst of a Senate debate on a far-reaching amendment that has legal complications and upon which there have not been any hearings and no judgment rendered by any responsible official, including a judgment from the standpoint of the Governors.

Let us remember that the National Guardsmen are members of a State organization. They are responsible primarily to the Governors of their States.

I think the Senator from Michigan has made a fine point here, that there should be effective regulation and that we cannot let them have these guns and ammunition in the first place until they have made a showing that they have restrictions.

I would add with reference to the enforcement of the law by the National Guardsmen, that it would have to be limited to trained and seasoned troops who had been specially trained in this field.

It is impossible to get an intelligent consideration of this matter on such short notice. I do know that this is an affront to the honest, efficient, and loyal National Guardsmen in every State. They might be called out for riot duty or anything along that line and be cut off from the right of self-defense.

I want to see that this matter is regulated and that there are restrictions and that we make whatever safeguards we can. But I do not think that we can legislate here on a subject that we are not advised on and do not know the regulations in the different States.

We have men serving in the Senate that have been members of the National Guard.

Mr. President, I yield 3 minutes to the Senator from Arizona, a former member of the National Guard of his State.

Mr. GOLDWATER. Mr. President, the forces of the National Guard are the militia. Under the Constitution, Congress can regulate the militia, even to calling them out. But they do not come under Federal regulation until they are called out for active duty. The commander of the National Guard is the Governor of the State.

We would be taking a very serious and dangerous step if we were to try to go into a State and regulate the only weapon the Governor has with which to defend the people in his State when matters get so bad that the local police, the sheriff's office, and the highway patrolmen cannot handle it.

Mr. President, I might say to my good friend, the Senator from Minnesota, that this might work if we can get the people in this country who carry guns and demonstrate with Molotov cocktails and knives and chains to stop their activities. Then we would be able to get the National Guardsmen to agree not to use bullets.

This is extremely dangerous. I have been in the National Guard. The Governors I have known have been very judicious in the use of the National Guard.

I think I am safe in saying that the majority of the State National Guardsmen have been trained under the Regular Army concept of mob control and that the States operate in that way.

I might ask my good friend, the Senator from Minnesota, what we would do if we had a serious uprising like the ones in Newark, Watts, or Chicago? This seems to be constantly going on in Chicago. Are we going to write the President a letter and say, "Dear Mr. President: A number of our people have been shot and a number of stores have been burned down. We think the only way to handle the situation is to send out the National Guardsmen with live ammunition."

That would take a week.

I suggest this is no way for a Governor to maintain law and order in his State. I think it would be extremely dangerous to ban the use of weapons by the National Guard.

I do not like what is going on in this country and in some of our cities any more than the Senator from Minnesota does.

I suggest that it would get worse, in my opinion, if the hoodlums and fascists and people in this country who set about to disturb our country and, in fact, create a new form of government in our country, knew that they could do anything they wanted and that nothing would happen to them. In fact, I think our National Guard should have the right to defend themselves. I think that the police should have the right to defend themselves.

It is time that the American people call loud and clear for protection in their homes. I would say that there has never been a time in the history of our country when so many people have armed themselves in their home against the danger of being invaded.

There has never been a time when so many people have spent money for electronic devices or other means of protecting themselves.

I think the amendment is dangerous. I do not think it is called for in the bill. It is a completely new concept.

I hope that the amendment will be rejected.

[Applause in the galleries.]

The PRESIDING OFFICER (Mr. HUGHES). If there is any further display in the galleries, the galleries will be cleared.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I speak with some knowledge of the National Guard, having served for over 30 years at every level from private to battalion command and general staff officer. I cannot see where this would operate in such a way that it would help the National Guardsmen.

As we know, when the guardsmen are called out, it is against their wishes. They do not want to go. It is a distasteful service. It would be especially distasteful to be called out in the face of armed opposition. I am not speaking of kids who are out for a good time. We have seen the Weathermen faction and what they can do in New York and in Chicago. They are people bent upon mischief. They are armed and they mean business.

A young man called out on this type of duty, duty that he does not want, certainly should not carry an ad saying, "I do not have any live ammunition."

That is what we would be doing if we required the Governor to go to the President to ask for permission. Even if it involved a telephone call, it would then be too late for them to do the job they are supposed to do.

The National Guard consider civil disturbances as one of their minor duties. Their principal duty is to train as trained forces of the U.S. Army or Air Force. Ninety-five percent of their training involves training as combat units. To achieve a combat skill does not mean skill in handling a civil disturbance. That is one of the incidental duties.

I believe that the Governors of the several States do exercise control. I know for a fact that there are times when there is no live ammunition. But I do not believe there should be a general policy that advertises to every hoodlum that there is no live ammunition.

There are times when it is necessary. There are times when ammunition must be close at hand, even if it has not been issued.

This type of amendment, no matter

how well intended, will contribute to the loss of morale and contribute to the confusion that now exists in the Guard.

I can foresee the time when the States will say, "We have to have effective law enforcement based on a State level. We will forget about the National Guard and go back to our own militia and buy our own ammunition."

It has not been too long ago when there was a militia in most States and not a National Guard. I want to keep it the way it is at the present time.

The National Guard has served valiantly in many wars. They are always ready to go. I feel that if we are going to restrict the National Guard in this manner, we should do away with it. Let us not make it a Sunday afternoon group of picnickers, as we will be doing if we reduce it to a status of not having ammunition.

These men are soldiers. They are trained to kill; they are trained to serve their country. If you do not want them to do that, do not call them out; but do not make them into something less than they are supposed to be. They deserve this recognition and this honor.

I fail to see how this proposal would work to make them a more effective arm of the State, or how they would be able to control anything.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from California.

Mr. MURPHY. Mr. President, the experience of the city of Berkeley was mentioned earlier. Last week I had in my office the mayor, chief of police, members of the city council, and some business leaders of the city of Berkeley. I assure Senators they are not concerned with whether or not the militia has live ammunition. They were here to beg me to make a plea to the Secretary of Defense that they be supplied with flak jackets, helmets, and gas masks so they would have a chance to try to preserve law and order in an area where organized disruptions are taking place almost on a regular timetable.

I think the suggested amendment would be a complete invitation to more permissiveness where already too much permissiveness exists.

Mr. STENNIS. I wish I had more time. I yield 2 minutes to the Senator from Iowa, who is the former Governor of his great State.

Mr. HUGHES. Mr. President, I thank the Senator for yielding.

I want to say, as I began, that I have stood with the distinguished Senator from Minnesota in the midst of very trying times; and I have advocated his candidacy for the office of President of the United States. I stand with the goals he is trying to accomplish today because I think the misuse, misdirection, and perhaps miscommand of National Guard troops can be a very bad force in this country.

But over three terms as Governor of my native State of Iowa I have had to call out the National Guard many times. There was never a time when I willingly called up the National Guard for use in my State. There was never a time in my State that ammunition was fired to protect the lives of people or to protect property. They were well commanded, and they were basically well trained. They acted well under the most tense conditions.

Many times I had to call out the National Guard when there was no trouble. I did it, even though I was highly criticized for it, because the presence of the National Guard prevented trouble from developing.

I am sure that the circumstances the distinguished Senator from Minnesota has described could be satisfied by calling the President of the United States, and I agree it could be done. But the Governor, as the commander in chief of his National Guard, has to make decisions, he is basically responsible for the training of the National Guard, and he hopes to see them as the best equipped force in his State. They are used for broad and diverse reasons. I would hope they would never be used on campuses of colleges in the United States. I am opposed to the use of the National Guard on the campuses of colleges in our country.

I would like to point out one thing that has not been brought up. We could use the National Guard without making arrests, whereas, when we mobilized the State police, the county sheriffs, or the local police, they were compelled to make arrests for every single violation that seemed evident. That could result in a more severe confrontation than by the exercise of the use of the National Guard to maintain peace and order by their presence.

In my opinion the National Guard has been under excellent command in my State.

It is with some reluctance that I rise to say that I would vote against the amendment offered by the distinguished Senator from Minnesota, but while I shall vote against the amendment I want Senators to know that I am sympathetic with the goals he is trying to achieve. We should look into this matter and determine a better way to control the use of guns and ammunition in the hands of people in all circumstances, particularly on the campuses of the colleges of this country.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Oregon, the former Governor of his State.

Mr. HATFIELD. Mr. President, I would like to associate myself with the comments which have been made, and particularly those which have been made by my former fellow Governor, the Senator from Iowa (Mr. HUGHES), who is now my colleague in the Senate.

Any one who has been in the role of commander in chief of the National Guard, as the Governor is, and who has the responsibility for the maintenance of law and order in every community of his State appreciates the fact that the National Guard plays a very vital role, and it must be maintained on a very flexible basis.

I would like to share two experiences that occurred while I was Governor of my State in which we had riots in one of our coastal communities. We had anticipated the problem and, therefore, had called the National Guard leadership together and indicated our feeling that there should be special riot control training for certain elements of the National Guard. The National Guard had certain elements prepared for this type special duty and they were placed in this riot city.

The point is that the State police of my State were in command of the force. To maintain law and order, they worked with the county sheriff and the city police, and they had the National Guard backing them up. That is a vital role. I do not think we could maintain law and order as we were able to if we had not had that show of force of the National Guard.

If anyone in the Nation today questions the National Guard, let him assume the role of a Governor, who is the commander in chief, and who must be responsible for the actions and the training of the National Guard, or the lack of training of the National Guard.

Therefore, I plead that we reject the amendment, not because I disagree with the Senator's concept or his goal, but because as a former Governor I recognize that it is imperative that we maintain flexibility to have the National Guard able to move in and meet any occurrence in any crisis.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. GURNEY. Mr. President, I thank the Senator from Mississippi.

Mr. President, the permanent Subcommittee on Investigations, otherwise known as the McClellan committee, has just completed extensive hearings on bombings and terrorism in this country. The hearings were most revealing. They showed that bombing, terrorism, and violence in general increased dramatically in the last 10 years, but even more dramatic is the fact that in the last year or 2 years the scale of increase is sharply rising. Therefore, it would seem to me that a more inappropriate time could not be chosen to offer an amendment like this. It seems to me that this is an open invitation to more violence.

We found in our investigations by the permanent subcommittee that violence is being committed by people who are revolutionaries, and who have in their hearts and minds the destruction of this Government and our society. Certainly any society should have the right to protect itself.

Of course, one of the chief means of protection from civilian violence in this country is through the use of the National Guard. Certainly, at this time in our history we should not do anything to make this organization less effective; if anything, we should make it more effective.

I urge Senators to reject the amendment.

Mr. STENNIS. Mr. President, I am sorry I do not have more time. I am going to yield to the Senator from Rhode Island.

First, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. STENNIS. I yield 2 minutes to the Senator from Rhode Island, who is the former Governor of his State.

Mr. PASTORE. Mr. President, I real-

ize the emotional impact that is behind this amendment. I do not question the motive of the sponsor of the amendment. However, as a former Governor of my State, I realize the danger of this particular amendment.

I had the honor of serving as Governor for 6 years. I never once called out the National Guard. I do not know of any Governor in this Republic of ours who relishes the idea of calling out the National Guard. But if we are going to call out the National Guard and say to a young man in a soldier's uniform, "You can carry a gun, but you can't have a bullet in it," then I say do not give him a gun at all. Do not give him a gun at all.

Not only that, but in many instances we find that these men are called out not through any choice of their own, but are ordered to do so.

I am afraid that unless we do this in a proper manner, we are going to invite anarchy. When we realize that it would mean a young man in a soldier's uniform could have stones thrown at him or bags of fecal matter smashed into his face, or snipers, without having anything with which to defend himself, I am afraid we are toying here with explosive situations. I would regret the day when we would come to that kind of thinking and that kind of action in this country.

I know what happened at Kent. I regret that, too. I made a statement in my State that it was a pity that the lives of these four young people should have been snuffed out. I regret very much that it happened. But we must take the long view. If the National Guard is to be called out to repress anarchy, to suppress riots, the young men who are in those soldiers' uniforms must be properly equipped to cope with the duties and the dangers to which they are assigned. Moreover, the proper response to these situations is training and restraint on all sides.

Mr. STENNIS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. There is not a sufficient number.

The yeas and nays were not ordered.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Wyoming (Mr. HANSEN), a former Governor of his State.

Mr. HANSEN. Mr. President, I should like to associate myself with the observations just made by the distinguished Senator from Rhode Island. Let me say that no Governor relishes the duty and responsibility of calling out the National Guard, but I think it must be apparent to everyone in this country that if we are going to put an end to anarchy, if we are going to restore and maintain order, there must be some mechanism by which the States can face emergencies and can deal with those emergencies adequately. It is with that thought in mind that it seems wholly unthinkable to me that we should ask young men serving in the Guard to assume the very grave responsibility of maintaining order, of seeing that the law is adhered to, and not giving them the proper equipment, in all manner, in order that they may enforce an order issued by a Governor.

During the 4 years I was Governor of Wyoming, I called upon the National Guard on several occasions. Historically, its mission has been, generally, to respond to emergencies such as floods, fires, and blizzards. Insofar as I know, never in the history of Wyoming has a guardsman fired a shot in order to quell a riot situation, but I think the very knowledge that the members of the Guard have ammunition obviates the necessity for firing a shot.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, because it would not be in order, until all time had expired, for me to offer an amendment, I merely send an amendment to the desk as an amendment which I may offer at the appropriate time.

The PRESIDING OFFICER. The amendment will be stated by the clerk.

The legislative clerk read as follows:

At the end of the proposed amendment, add the following: This provision shall be applicable if all the participants in any riot or civil disturbance shall have certified to the Governor in advance that they will use no live ammunition in their weapons.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. President, I would have the roll called on my amendment, which provides that the amendment offered by the Senator from Minnesota shall be effective only if all——

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

Mr. HANSEN. Mr. President, I ask for the yeas and nays and suggest that if there is not a sufficient number of Senators present, a live quorum be called.

The PRESIDING OFFICER. A Senator's time has to be yielded for that purpose.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining and the Senator from Minnesota has 13 minutes remaining.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, will the Senator yield for that purpose?

Mr. STENNIS. I yield.

Mr. PASTORE. Is an amendment in order until all time has been yielded back or consumed?

Mr. GRIFFIN. I have not offered the amendment.

Mr. STENNIS. It was read for the information of the Senate.

I yield 1 minute to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I again request the yeas and nays, and if there is not a sufficient number of Senators present to have the yeas and nays ordered, I suggest the absence of a quorum, and suggest that it be followed by a live quorum.

The PRESIDING OFFICER. The Chair would suggest that the Senator would have to wait until all time on the amendment had expired, because under the precedents there is not sufficient time left for the calling of a quorum.

Is there a sufficient second for the ordering of the yeas and nays on the amendment?

There is now a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. McCARTHY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. McCARTHY. Mr. President, I think possibly all former Governors will disqualify themselves on this question as having a conflict of interest. I do not expect that suggestion to be honored; it is just a suggestion, since all former Governors who have spoken have said, "As a former Governor, I have had experience."

All this talk about sending guardsmen into action without ammunition or means of defending themselves against rioters, anarchists, and all the other people that have been listed here is completely irrelevant.

The substance of my amendment is that guardsmen could not be sent in to use live ammunition under present conditions unless the Governor had requested it and the President had honored that request with an affirmative reply.

The essence of the argument has been that the guardsmen are not prepared to deal with situations into which they have been sent. The President could say to any Governor, "I am satisfied that your Guard is not prepared for this kind of riot activity; therefore, I hope it will be trained," or at least that the provisions of the manual which is used when the Guard is federalized be recognized and adhered to under the Governor's direction.

It seems to me a simple proposition. Some of the debate here suggests that communications are still carried out by pony express. Someone has suggested that a Governor could not get to the President for a week. On an issue of this kind, I assume the Governor could get in touch with the President in 5 or 10 minutes. I cannot think of any National Guard in which the officer of the Guard could not be found in 5 minutes if the Governor were looking for him. So there would be as much access to the President as to the commanding officer of the State.

The question is whether we want the Guard to be used rather freely, as it has been under the various Governors, without any real assurance that they have been adequately trained or that they are subject to careful regulation, or whether we want a minimal regulation or requirement that the Governor of the State have the approval of the President before he acts—with the hope that this kind of pressure will provide some incentive for training the Guard properly and put some restraint on Governors who have too readily sent the Gaurd into situations in which they have no business being.

Mr. President, I reserve the remainder of my time.

Mr. THURMOND. Mr. President, I

oppose Amendment No. 843 proposed by the distinguished Senator from Minnesota (Mr. McCARTHY).

The amendment would prohibit the use of live ammunition in the weapons of members of the National Guard unless the Governor of the particular State requested permission from the President of the United States for use of ammunition in the weapons of the National Guardsmen.

First, it should be realized that the responsibility for law enforcement in each State is vested in the Governor of that State and not in the President of the United States.

Under the Constitution, the Governor is the chief law enforcement officer of his particular State and he must have the authority to act quickly in maintaining order, should such action be necessary.

If this amendment had been law during the riots which occurred throughout the Nation following the assassination of Martin Luther King, we would have had a chaotic situation. At that particular time each Governor exercised his authority in applying what force he felt necessary to maintain order.

Mr. President, it should also be realized the President of the United States has tremendous responsibilities which require his attention. He is often far away from situations in the various States to which the Governor would be able to give close attention. The Governor could obtain facts quickly and act on the authority under the Constitution; whereas the President would be placed in the decisionmaking process possibly with only second-hand information.

Even worse, Mr. President, adoption of this amendment might lead to a national police system if unnecessary powers are handed to the President of the United States. Most Americans abhor suggestions of a national police system which could spring from this amendment.

I urge my colleagues to join with me in rejecting this proposal to the military authorization bill.

Mr. MUSKIE. Mr. President, the aim of the amendment before us is laudable; namely, to help prevent the senseless and tragic killing of civilians involved in a volatile situation like the one that occurred at Kent State last spring. However, the amendment raises two important questions which concern me.

First, it fails to provide for exceptions for National Guardsmen who might be involved in situations requiring a reasonable right to self-defense.

Second, on those occasions when the Governor of a State did seek Presidential approval for the use of live ammunition, the President might be forced to make a quick and difficult decision without the benefit of the most up-to-date, on-the-spot information about the current situation. That information is available only to officers on the scene.

Mr. President, the Department of the Army has developed a reasonable set of guidelines governing the use of force by Federal forces involved in civil disorders. I ask unanimous consent that these guidelines be printed in the RECORD at this point.

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

GUIDELINES

4. Application of Force:

(a) Operations by Federal forces were not authorized until the President was advised by the highest officials of the state that the situation could not be controlled with the non-Federal resources available. Your mission therefore is to help restore law and order and to help maintain it until such time as state and local forces can control the situation without your assistance. In performing this mission, your Task Force may find it necessary actively to participate not only in quelling the disturbance but also in helping to prevent criminal acts and in helping to detain those responsible for them. You are authorized and directed to provide such active participation, subject to the restraint on the use of force set forth below.

(b) The principal rule of use of force which controls all others is that you will at all times use the minimum force required to accomplish your mission. Due respect will be shown for the great number of citizens whose involvement in the disturbance is purely accidental. Your force options for determining how your troops may be armed to accomplish your mission are enumerated in Appendix 9 to Annex C of Department of the Army Civil Disturbance Plan.

(c) You are authorized to use non-deadly force, including riot control agents, to control the disturbance, to prevent crimes, and to apprehend or detain persons who have committed crimes, but the degree of force used must be no more than that reasonably necessary under the circumstances. For example, riot control agents should not be used if saturation of an area with available manpower will suffice. You are authorized to delegate the authority to use riot control agents and other forms of non-deadly force at your discretion.

(d) The use of deadly force (i.e., live ammunition or any other type of physical force likely to cause death or serious bodily harm) in effect invokes the power of summary execution and can therefore be justified only by extreme necessity. Accordingly, its use is not authorized for the purpose of preventing activities which do not pose a significant risk of death or serious bodily harm (for example, curfew violations or looting). Use of deadly force is authorized where (1) lesser means have been exhausted or are unavailable, (2) the risk of death or serious bodily harm to innocent persons is not increased by its use and (3) the purpose of its use is one or more of the following:

(i) self-defense to avoid death or serious bodily harm;

(ii) prevention of a crime which involves a substantial risk of death or serious bodily harm (for example, to prevent sniping);

(iii) prevention of the destruction of public utilities or similar property vital to public health or safety;

(iv) detention or prevention of the escape of persons against whom the use of deadly force is authorized in subparagraphs (i), (ii), and (iii) immediately above.

In addition the following policies in the use of deadly force will be observed:

(1) When deadly force is used, aim where possible to wound, not to kill.

(2) In order to avoid firing which creates a hazard to innocent persons and can create the mistaken impression on the part of citizens that sniping is widespread, warning shots will not be employed.

(3) Where other means have failed and firing is necessary to control sniping, well-aimed fire by expert marksmen will be used wherever possible and the number of rounds will be kept to a minimum to reduce the hazard to innocent persons.

(e) You are authorized to have live ammunition issued to personnel under your command. They are not to load or fire their weapons except when authorized by an officer in person, when authorized in advance by an officer under certain specific conditions, or when required to save their lives (including the prevention of serious bodily harm). You will insure positive control over use of weapons. You may at your discretion delegate that authority to use deadly force provided such delegation is not inconsistent with this paragraph and that the persons to whom such delegation is made understand the constraints upon the use of deadly force set forth in paragraph d.

5. Custody and Detention of Civilians:

Whenever possible, civilian police authorities should take civilian personnel into custody; however, when assistance is necessary or in the absence of the civilian police, Federal military forces have the responsibility to detain or take into custody rioters, looters, or others committing offenses. . . .

Mr. MUSKIE. Mr. President, following the incident at Kent State last May, I wrote to Secretary Laird inquiring whether all National Guard units throughout the country complied with these regulations. I learned that this is not presently the case. It seems to me that we should be working toward insuring that all National Guard units in every State comply with these Army guidelines, which are reasonable and seem to me to provide an appropriate balance between preventing indiscriminate use of deadly force by Federal authorities on the one hand, and protecting lives on the other.

Because of the reservations I have listed, I shall vote against the McCarthy amendment, but I shall work to help insure that all Federal forces, including the National Guard, comply with Army regulations.

Mr. McCARTHY. Mr. President, I am ready to yield back my time, if the chairman is agreeable.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

Mr. McCARTHY. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 843) of the Senator from Minnesota (Mr. McCARTHY).

Mr. STENNIS. This is the question on whether the amendment will be agreed to or rejected?

The PRESIDING OFFICER. Up or down; the Senator is correct.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maryland (Mr. TYDINGS),

and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio (Mr. YOUNG) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Illinois (Mr. PERCY and Mr. SMITH) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

If present and voting the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 2, nays 87, as follows:

[No. 261 Leg.]

YEAS—2

Kennedy	McCarthy	

NAYS—87

Aiken	Fannin	Metcalf
Allen	Fong	Miller
Allott	Fulbright	Moss
Anderson	Goldwater	Murphy
Baker	Goodell	Muskie
Bayh	Gravel	Nelson
Bellmon	Griffin	Packwood
Bennett	Gurney	Pastore
Bible	Hansen	Pearson
Boggs	Harris	Pell
Brooke	Hart	Prouty
Burdick	Hartke	Proxmire
Byrd, Va.	Hatfield	Randolph
Byrd, W. Va.	Holland	Russell
Cannon	Hollings	Saxbe
Case	Hruska	Scott
Church	Hughes	Smith, Maine
Cook	Inouye	Sparkman
Cooper	Jackson	Spong
Cotton	Javits	Stennis
Cranston	Jordan, N.C.	Stevens
Curtis	Jordan, Idaho	Symington
Dodd	Long	Talmadge
Dole	Magnuson	Thurmond
Dominick	Mansfield	Tower
Eagleton	Mathias	Williams, N.J.
Eastland	McClellan	Williams, Del.
Ellender	McGee	Yarborough
Ervin	McIntyre	Young, N. Dak.

NOT VOTING—11

Gore	Mundt	Smith, Ill.
McGovern	Percy	Tydings
Mondale	Ribicoff	Young, Ohio
Montoya	Schweiker	

So Mr. MCCARTHY's amendment (No. 843) was rejected.

Mr. KENNEDY subsequently said: Mr. President, the amendment we voted on today to provide new procedures for the utilization of deadly force by National Guard units dramatizes the urgent need for a major overhaul of the practices in this field to assure that we do not have any more "Kent States."

The investigation I have conducted in my Subcommittee on Administrative Practice and Procedure convinces me that the Ohio National Guard, apart from any question of whether or not it violated any State or Federal law, clearly violated the words and the spirit of the applicable Army Field Manual in several respects. That manual permits the use of deadly force only where lesser means have been exhausted or are unavailable and only when the risk of death or serious bodily harm to innocent persons is not increased by its use. It requires that when firing is necessary to control sniping, well-aimed fire by specially trained expert marksmen should be used and the number of rounds kept to a minimum to reduce the hazard to innocent persons. It requires that whenever guns are used they are to be aimed to wound, not to kill. It permits general unit firepower to be utilized only as an extreme last resort, only after all other measures have failed, and only when failure to use such firepower would result in imminent overthrow of the Government, continued mass casualties, or similar grievous conditions.

At hearings we held in June, I asked representatives of the Army how the Kent State shootings could have occurred in the face of such clear and strong standards on the use of deadly force, and I was told that while the Army could promulgate training standards for National Guard units, it felt it could not enforce these standards when guardsmen were under State control. As I pointed out in a subsequent letter to President Nixon, a copy of which I ask to be printed in the RECORD at the end of my statement:

> If this is so, then we are left with the specter, as at Kent State, of troops in Army uniform and using Army guns and bullets and trained at Army expense applying deadly force in a manner and under procedures contrary to the Army's own requirements.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, for no other reason than the fact that the National Guard units might be federalized at any time for civil disturbance duty under Army control, it would seem that the Army must have the power and the right to assure that such basic elements of National Guard training and standards as the use of deadly force are consistent with and at least as stringent as those of the regular Army. It is difficult enough for a part-time soldier to keep in mind the vital details of one set of standards and unreasonable and dangerous to require him to have two conflicting sets in mind.

The materials our subcommittee has collected from the various States, as well as the history of the performance of National Guard units under State control, show not only that they are not adhering to Federal requirements in practice, but also that the training materials they use are in conflict with the Federal training materials issued under the constitutional provision requiring the State to train their militias "according to the discipline prescribed" by the Federal Government.

Nevertheless, in replying to my letter to President Nixon, the administration has indicated that both the Justice and Defense Departments continue to deny that the Army can do anything more to require the National Guard units to comply with Federal standards of citizen protection. I am not persuaded by the arguments tendered to support their conclusion, and I expect to pursue the matter further with them at forthcoming hearings of the subcommittee.

I cannot accept the view that innocent citizens in the several States, and our society as a whole, must continue to be subjected to the individual risks and social consequences of gunfire from federally supported National Guard units according to the personal preferences of Governors and State commanders which may be in direct conflict with the rules that govern Army troops and are constitutionally required to govern National Guardsmen as well.

I think Senator MCCARTHY's amendment serves to highlight the glaring need for action in this area, and while it is not the only route, or even perhaps a sufficient route, my vote for it reflects my sense of urgency of this need.

EXHIBIT 1

JUNE 16, 1970.

DEAR MR. PRESIDENT: Last week, at a hearing before the Senate Subcommittee on Administrative Practice and Procedure, which I chair, several extremely disturbing facts came to light which involve so many federal agencies that I believe you should be aware of them.

1. Our Subcommittee has surveyed all the states to determine what rules their National Guard units use in the application of deadly force. While the results are not yet all in, the responses received thus far indicate clearly that there is a wide disparity in these rules from state to state and that there are vast departures from the Army's own guidelines in the contents, tone, and presentation of the various state National Guard standards. According to the testimony we received at our hearing, the Army has doubts whether it has the power to set minimum standards or uniform standards for the use of deadly force by National Guard units while on state-ordered civil disturbance duty. If this is so, then we are left with the specter, as at Kent State, of troops in Army uniform and using Army guns and bullets and trained at Army expense applying deadly force in a manner and under procedures contrary to the Army's own requirements. For no other reason than the fact that National Guard units might be federalized at any time for civil disturbance duty under Army control, it would seem that the Army must have the power and the right to assure that such basic elements of National Guard training and standards as the use of deadly force are consistent with and at least as stringent as those of the regular Army. It is difficult enough for a part-time soldier to keep in mind the vital details of one set of standards, and unreasonable and dangerous to require him to have two conflicting sets in mind.

2. The Applicable Army Field Manual FM 19–15, even as revised in October 1969, contains potential ambiguity as to whether the conditions for the use of deadly force must *all* be present, or whether firing is permitted whenever any one of them is present:

"Use of deadly force is authorized where—

"1. Lesser means have been exhausted or are unavailable.

"2. The risk of death or serious bodily harm to innocent persons is not increased by its use.

"3. The purpose of its use is one or more of the following:" (listing permitted purposes).

This ambiguity has been recognized in the form letter of instruction for civil disturbance task force, which changes punctuation and inserts an "and" to add some clarity, and in the actual letter of instruction which was sent to the Washington Task Force by the Army May 8, 1970, which adds the words "where all three of the following are true." Nevertheless the possibility for misunderstanding remains in the Field Manual itself, which is the last word from the Army as far as National Guard units are concerned and which is the primary training text for regular Army units.

3. Although there are a large number of diverse agencies which may be called upon to perform law enforcement functions in the District of Columbia concurrently, including the Park Police, Metropolitan Po-

lice, National Guard, Regular Army, Secret Service, White House Police, F.B.I., Narcotics Bureau, U.S. Marshals, and others, they have no common coordinated policy on the conditions and procedures for use of deadly force by their officers, and in fact their policies conflict in some respects. For example, some agencies direct their officers, when their criteria for firing weapons are met, to shoot to wound, some to shoot to kill, and some are silent on this factor. The lack of consistent instructions is especially important in the case of mass gatherings or civil disorders where several of these agencies may be involved in joint operations and where misuse of weapons, as we have seen elsewhere, could produce a tragedy of massive proportions.

4. The so-called "Special Orders" card carried by every Army and National Guard officer and enlisted man on civil disturbance duty anywhere in the country contains none of the conditions and criteria for the use of weapons set forth in the current version of Army Field Manual 19–15, especially the "minimum force" order, the requirement that "the risk of death or serious bodily harm to innocent persons is not increased by its (deadly force's) use," the requirement that limited fire by designated expert marksmen be used in case of sniper fire, and the shoot-to-wound order. The reason may be that the card was last revised in October of 1969 at which time many of the criteria and conditions were first set forth. Thus federal and National Guard troops on civil disturbance operations are presently carrying orders which are obsolete under the Army's own standards.

(An additional minor problem with the card is that it carries the historic Army seal, which includes the words "United States of America War Office," hardly a felicitous choice of words to be read by men under tension entering civil disturbance duty.).

I believe that each of these facts presents a continuing threat to the safety of our citizens and the stability of our nation. We are facing another mass gathering in Washington early in July, and it is not unlikely that National Guard units elsewhere in the country may have to be called in for civil disturbance duty in the coming months. I therefore recommend and urge that you take the necessary steps on an expedited basis to secure immediate action by the responsible officials along the following lines:

1. The General Counsel of the Army, in consultation with the Attorney General, should determine the outer limits of the Army's ability to enforce uniform standards of training and operations on National Guard Units in regard to the use of deadly force in civil disturbance operations. To the extent of that ability, the Army should insure that every National Guardsmen in the nation has been trained in and is prepared to apply standards and procedures at least as stringent as those of the Army. I am informed that the Secretary of the Army is prepared to proceed in this direction on a crash basis, and I urge that he be directed to do so.

2. Army Field Manual 19–15 should be revised to remove the possible ambiguity referred to above, and its rule for the application of force should be reviewed to determine whether the previous language which was retained even after the October 1969 revision needs to be altered to emphasize the restrictions imposed in that revision.

3. Every federal and district agency with current, standby, or potential law enforcement responsibilities in the District of Columbia should be directed to coordinate immediately on the adoption of a common policy on the use of deadly force. Efforts should be made to encourage and receive inputs from local human rights agencies, citizen groups, and bar associations, as well as such groups as the International Association of Chiefs of Police, in the formulation of guidelines.

4. The "Special Orders" card carried by troops on civil disturbance duty should be updated and revised to reflect all of the conditions and requirements for the use of deadly force set out in Army Field Manual 19–15; and the Seal of the Army should be replaced by the Defense Department seal both to remove the word "war" and to reflect the fact that units of other services use the card as well.

I know you join me in the belief that our nation can protect the rights of assembly and free speech as well as community safety even in times of great national division, and that we cannot afford another tragedy such as those at Kent State and Jackson State. It is in the spirit of mutual concern that I write, and express the fervent hope that you will take action on these matters.

Sincerely,

EDWARD M. KENNEDY.

Mr. MANSFIELD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. MANSFIELD. Mr. President, there are some amendments on which there is a time limitation but I do not see any of the sponsors here at the moment.

Mr. ANDERSON. Third reading.

Mr. MANSFIELD. Not yet. [Laughter.]

Therefore, if the Senate will indulge me, I suggest the absence of a quorum, briefly.

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.

Mr. MANSFIELD. Mr. President, I understand that the distinguished Senator from Oregon (Mr. HATFIELD) is prepared to start speaking on his amendment and, hopefully, at an appropriate time we shall be able to obtain a reasonable time limitation on the discussion. I think this is good procedure on the part of the Senator from Oregon. He wants to be protected and should be protected, as any Senator should, and will be, insofar as the joint leadership is concerned.

The Senator from Oregon has indicated a willingness to consider a time limitation. He has been most cooperative and understanding of the difficulties which confront the Senate.

May I say that the same applies to the distinguished Senator from Mississippi (Mr. STENNIS).

Thus, hopefully, during the course of this discussion on this most important amendment, it may be possible to arrive at a time limitation, which will be satisfactory to all concerned.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. May I suggest that at this time the distinguished majority leader suggest the hour at which we may convene tomorrow?

Mr. MANSFIELD. Oh, yes.

ORDER FOR RECESS UNTIL 10 O'CLOCK TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow morning.

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

(Later this order was modified to provide for the Senate to adjourn until 9:30 a.m. tomorrow.)

TIME LIMITATION ON AMENDMENTS

Mr. SCOTT. Let me point out that there is now an agreement on limitation of time on three amendments. There is no agreement on limitation of time on the amendment of the Senator from Oregon (Mr. HATFIELD), or on the so-called Hatfield-McGovern amendment, or on the amendment of the Senator from Arkansas (Mr. FULBRIGHT).

I state this merely for the record, so that Senators will know.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the disposition of the unobjected to items on the calendar, the Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

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

ORDER FOR CONSIDERATION OF PENDING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the Senator from New York (Mr. JAVITS) on tomorrow, the Senate proceed to the consideration of the pending business, H.R. 17123.

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

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

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

Mr. HATFIELD. Mr. President, I should like to preface my remarks by expressing my thanks to the majority leader and the minority leader in trying to work out a time limitation agreement.

Let me reiterate the fact that we stood ready at 3 p.m. this afternoon to make an agreement of 6 hours on the amendment and 1 hour on any amendment to the amendment.

I did ask that there be included in the amendment a "no tabling" clause. That seems to be our difficulty at this time, because I feel that the Senate has a right to engage in sufficient time in debate on this vital issue, and that the Senate would prefer to vote the issue up or down rather than make a determination on a procedural motion.

Therefore, Mr. President, at an appropriate time, I intend to bring up amendment No. 844.

However, at this time, I should like to address myself to the amendment only, and to the purpose of the amendment.

I might say that there is an extensive amount of material that should be included in this debate. Therefore, it may necessitate an extended period of time to present the material and the arguments on behalf of the amendment.

Mr. President, this amendment would implement the recommendations of the President's Commission on an All-Volunteer Armed Force, the Gates Commission, which made a thorough analysis of the economic factors including pay, recruitment, retention, administration, and training for various manpower levels of our Armed Forces affecting the creation of an all-volunteer force. At the completion of its study the Commission concluded that an all-volunteer armed force would be more efficient, equitable, and just than one recruited by any other system, and that we should begin to move now toward that end with an eye to abolishing conscription at the expiration date of the present Selective Service Act, June 30, 1971.

Today there are approximately 3.3 million men in our Armed Forces; but due to efforts to reduce this level to at least 2.5 million within the next few years, by this time next year, according to present Defense Department projections, our force level will be at 2.9 million men. To maintain our present force level at an all-volunteer basis of over 3 million men, 225,000 more volunteers would have to be recruited each year; but to maintain the necessary accession rate to keep our troop level at the eventual goal of 2.5 million men, only an additional 75,000 volunteers would be needed annually than are presently enlisting voluntarily. While the Gates Commission recognized that pay is not the only incentive for joining the Armed Forces, what seems surprising is that fewer men do not voluntarily enlist under the present pay scale. The first-term enlistee today receives a total compensation including basic pay, room, board, post exchange and commissary privileges, retired pay, specialty pay, bonuses and medical services, $3,251. Yet in the civilian sector he would have the total compensation of $5,202. In other words, computing income tax with the respective earnings, the first-term enlistee is being taxed 51 percent of what he would be earning in civilian life. The Commission found that by raising basic pay to a level comparable to compensation in the civilian sector we would insure the necessary accessions to maintain our troop levels on a purely voluntary basis. And if this and other inducement measures were taken now, continuing the draft until its expiration date of June 30, 1971, we would have enough data to support the discontinuation of the Selective Service Act.

The budgetary increase for fiscal 1971 to implement the transition to an all-volunteer force would be a maximum of $3.24 billion, according to the Gates study. Of this amount $2.7 billion would be for basic pay increases, the remainder being for such items as proficiency pay, ROTC, and Medical Corps expense. Yet when one computes the annual return in income tax—$540 million—savings in transportation costs—$68 million—savings in training and administration—$675 million—reduction of costs due to the civilization of certain military jobs—$100 million—the gain of productivity made by men not trying to avoid the draft—$3 billion—and other efficiencies, the cost of an all-volunteer force to society within 3 years will be negative. That is, by projecting these various cost factors ahead 3 years, a volunteer military will save the country money. Those who might argue that the additional expenditure to create an all-volunteer military would be inflationary fail to recognize the distinction between budgetary cost and the cost borne by the country in general. A volunteer military, while reflecting a budgetary increase, would be saving the country money and be counterinflationary. Yet even if this were not the case, from the point of equity the cost of maintaining our military should be shouldered by the entire country and not by the men who in many cases are forced to join. Irrespective of the fate of conscription, every taxpayer should share the financial responsibility for the defense of his country. I must point out that this amendment, or any legislation for that fact, does not and cannot commit the next Congress to extending or not extending the Selective Service Act in 1971. This amendment would allow draft calls to be reduced to zero within the next year, thereby eliminating the need to conscript men and consequently eliminating the need to extend the draft.

Beyond manpower and economic questions, there are two commonly encountered objections to an all-volunteer armed force. One is that such a force would become a group of professional mercenaries of questionable loyalty, isolated from the mainstream of American life, and pose a possible internal threat to our internal security. Criticizing an individual because he is well paid for doing a job is difficult to understand. We do not criticize doctors, lawyers, or other professionals because they are well paid, nor have we ever criticized our officer corps, which has always been professional, because they are well paid. Why should we, then, criticize a first-term enlistee, the lowest man in the military hierarchy, for receiving an equitable income? Furthermore, to call such a man a mercenary is incorrect. A mercenary is a citizen of one country who is hired by another to fight in its wars. This clearly is not the case in a volunteer armed force, nor was it the case in our more than 170 years' experience with an all-volunteer military. Many people forget that the past 20 years is the only time in our history that we have had peacetime conscription and only three times before was the draft instituted and then for a brief period during war.

There is no possible correlation between the method of recruitment and frequency of coup d'etat. It might well be argued that there is a positive correlation between voluntarism and decreasing militarism, for in the two countries closest to us historically and culturally—Canada and Great Britain—the influence of the military might be said to be decreasing, and both countries have all-volunteer armed forces. As Edward Luttwak states in his book "Coup d'Etat":

> There are three factors common to coups: (1) "severe prolonged economic crisis, with large-scale unemployment or runaway inflation"; (2) "a long unsuccessful war or a major defeat, military or diplomatic"; (3) "chronic instability under a multiparty system."

Control over the military by society depends on the strength of our leadership, and effectiveness of the President and Congress, and the loyalty of the Armed Forces officers and elisted men. If, as the Gates Commission recommended, the power to reinstitute the draft were to rest in the joint resolution of both Houses of Congress, and effective economic and administrative policies were adhered to, in the country in general as well as in the Armed Forces, our military men will not be alienated from the rest of our society, let alone pose a threat to our internal security. Be that as it may, the method of recruitment has little relevance.

The other most commonly encountered objection to an all-voluntary armed force is that it would be comprised primarily of members of minority groups, particularly blacks, or those below the poverty line. In that there are more than two times more whites than blacks classified below the poverty line—17.6 million whites compared to 8.3 million blacks—in our country, those who fear an all-black military have no reason for concern. To argue that increased pay would attract more who are below the poverty line than are now attracted neglects the fact that the monetary incentive to this group already exists in the military. The Gates Commission pointed out in its study that in a mixed force of conscripts and volunteers at a 2.5 million man level, 14.1 percent of the Armed Forces would be comprised of blacks, while in a voluntary force of the same size 14.9 percent would be black. The Army in a mixed armed force of conscripts and volunteers of 2.5 million men would have 16.6 percent blacks, while in an all-volunteer force of the same size blacks would comprise 18.8 percent of the Army. During the late 1960's blacks comprised 9.0 percent to 9.5 percent of the total Armed Forces and 11.7 percent of the Army.

Thus, while the percent of blacks will increase 0.8 percent in a volunteer force as compared with a mixed force, the proportion of blacks will increase at least 4.6 percent over the late 1960's

ratio, irrespective of the method of recruitment. In either case the increase is insignificant. But even if this criticism—that it is unjust to raise salaries to an equitable level, creating a volunteer military, because minority groups and the poverty stricken would comprise the majority of the members of our Armed Forces or bear the primary responsibility of defending our country—is true, it is not a criticism of a volunteer military; it is a criticism of a society which would allow the only means of financial, educational, and occupational improvement for a certain group to be through one institution, in this case, the Armed Forces.

To pass this amendment would not immediately stop inductions, it would not jeopardize the internal security of our country, nor would it threaten our external security by not being able to maintain needed manpower for our armed services. To pass this amendment would raise pay within the military to an equitable level, reduce inductions to zero, and eliminate the necessity of extending the Selective Service Act beyond June 30, 1971. If this amendment does not become law, we will be faced with a difficult alternative in 1971: extending the Selective Service Act for at least 1 more year, with all of its inherent inequities, injustices, and inefficiencies. There is no economic, moral, or social reason why we should have peacetime conscription. To the contrary, it is imperative that we should move now to create an all-volunteer Armed Forces.

I yield to the Senator from Arizona at this point if he wishes to ask a question.

Mr. GOLDWATER. I will wait until the Senator has finished his remarks. I have a statement I shall make.

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

Mr. HATFIELD. I am happy to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to address a question to the Senator from Oregon.

As a cosponsor of the amendment I was under the impression in the beginning that we were talking about an amendment that would become effective July 1, 1971. As I examine this amendment, it becomes effective on the date of its enactment, with the exception of sections 6, 7, 8, 9, and 10. They become effective on the first day of the next calendar month after the bill is enacted.

I wonder if the Senator would tell me if he has any basic objection to postponing the effective date of this measure. I do have an amendment to this effect which I intend to offer.

Mr. HATFIELD. The only date involved in the amendment has to do with the immediate implementation of the pay scale which has been recommended by the Gates Commission. The idea was that this amendment would immediately implement a pay increase and thereby create one of the most basic necessities for implementing an all-volunteer force. In that connection I do not think we can wait until we reach the end of the present conscription law. I think the first printing of this bill had certain inaccuracies, which were typographical inaccuracies on the part of the Printing Office. The purpose of the bill is to undertake the implementation of an all-volunteer army now through this kind of pay increase program; and then be ready, underway, and already have the foundation laid for the creation of a volunteer army by the time we next reach the expiration date of the present draft law.

The only alternative at this point would be to wait until the expiration of the Selective Service System on June 30, 1971, at which time it would be rather impractical to undertake a new system because we would have to crank up one system and crank out another system. That is the reason for presenting the amendment now. This amendment would not, in itself, end conscription. Conscription could only be ended by an act to end it before the expiration date; or we would have to wait until it ends in 1971. Through this measure we will be waiting for the final expiration date in 1971.

Mr. STEVENS. It would seem to me that the Senator from Oregon has a good point concerning the change in the pay scale. However, as long as conscription is going to continue under the present draft act, it is my feeling that the new pay scale should go into effect at the time that conscription ends; and as I stated, originally I was under the impression that we were talking about an amendment that would go into effect when the present act expires.

I find it difficult to understand why we should put these provisions of the Senator's amendment, which I have cosponsored, into effect on the date of enactment which, if we are successful, would be prior to the expiration of the current draft system.

Again, I would be more than willing to work this out with the Senator or his staff. I do have an amendment which would simply delete the effective date clause and state that the act becomes effective July 1, 1971. That would mean the cost of the volunteer Armed Force will be in the next appropriation bill rather than require special supplemental appropriations and it will be directly related to a volunteer Armed Force.

I do not see how making the amendment effective immediately will be an incentive to the formation of a volunteer Armed Force beginning with the expiration of the current draft system, particularly since some of those who are serving in the armed services now do not do so by choice.

I would again seek the Senator's ideas on the effective date of this proposal which puts into effect upon enactment all the provisions except sections 6 through 10, and those would go into effect, if it were enacted today, September 1.

I would like to know why we cannot postpone it until next year, as originally intended.

Mr. HATFIELD. I think we are talking about two basic principles in this colloquy. We are talking about the concept of a volunteer military, and we are talking about the concept of an equitable or comparable pay.

I feel that we have stated our case and we have no misunderstanding on the concept of a volunteer army. This is the principle the Senator from Alaska and I, as well as other cosponsors of the bill, are committed to.

On the question of equitable pay the military today consists of not just draftees but also enlistees. It is a mixed force. There are over 12,500 men serving in the military today who are on welfare receiving monthly welfare checks because they are below the poverty level.

I think the inequity is there today whether we have a mixed military of conscripts and volunteers or an all-volunteer military. There is still the principle of equitable pay. To me, that is a separate and almost distinct issue although, in the discussion here, I think they are closely interrelated.

We are not going to get an all-volunteer military on poverty-scale pay. We are not going to get the kind of men to stay in the Armed Forces who are already there, nor are we going to get new enlistees, on such a pay base. I do not think it is right for the American public to ask young men, those who volunteer as well as those who are conscripted, not only to serve in uniform but, in a sense, to subsidize their service because of the difference between pay in civilian life and the military pay scale.

So I think it is vital, if we are going to undertake a commitment for an all-volunteer force, to implement a pay scale that will attract people into such a volunteer force. Second, those who are in service at this moment ought to have a decent pay scale, and we should not have in the Armed Forces people who would qualify for welfare and be under the poverty classification because of our miserly attitude toward military pay.

Mr. STEVENS. Mr. President, I thank the Senator from Oregon for his courtesy, and the Senator from Arizona for his.

I must disagree with the effective date in the amendment. I wanted to have this exchange with the principal sponsor of the amendment because I am a cosponsor.

I believe it is time to do what is intended by this amendment, to restructure the Armed Forces, but I do not think we can do it by the first day of the next calendar month. When we have a system that has been in effect for as long as the present draft system has been, which I understand has been continuously in effect for over two decades, I do not think it can be changed by simply increasing the pay by the beginning of next month, so that there will be an inducement for men to join or stay in the Armed Forces.

For instance, there is one provision in the amendments that requires the Secretary of Defense to report back to us in 9 months with recommendations for restructuring the Armed Forces to make recruitment of an all volunteer force more effective. I think we ought to wait for that. I think we ought to, by this amendment, indicate the Senate's intention that there shall be a volunteer armed force, and permit the administration to have the time that will be necessary to put it into effect.

I think the present date in the amendment is too early a date. I do not see how it could be done. As a matter of fact, if

it went into effect, I do not see how we could handle it. The appropriation bill will not be passed until December. Yet this amendment would call for increased pay next month.

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

Mr. STEVENS. I yield.

Mr. HATFIELD. I would say that increasing the pay for the military forces is no more difficult than increasing pay for ourselves. We did not have any great problem in increasing our own salary in the Congress. We did it rather rapidly, and it was implemented with a great deal of ease. In my opinion, there has been an inequity for far too long a period in the pay scales of the military as compared with the pay for civilians, especially in the enlisted rates; and I am talking primarily about the enlisted personnel in the military. I do not see any great problem in having the amendment adopted and having the pay scale implemented immediately.

I point out again that we passed increased pay scales for postal employees and other government employees, and for ourselves especially. Even though I voted against it, I found it went through with relative ease. So I do not think we would find a great deal of difficulty here.

The Gates Commission recommended this procedure. It is not necessarily a personal viewpoint. It has the backing and support of the Gates Commission, which felt it should be undertaken immediately.

But I do not want to lose a cosponsor here. I would like to discuss it in some detail with the Senator from Alaska. If there is an irreconcilable problem, we will have to get at it through the amendment procedure, unless we can reach a better understanding than I have been able to achieve through my explanation on the floor.

Mr. STEVENS. I thank the Senator.

I understand that if our amendment is adopted the impact will be something like $2.5 billion for this fiscal year. What it would be for the next fiscal year we do not know. I want to see the proposal adopted, but we are already into the fiscal year. Where are the $2 billion-plus going to come from to pay for the salary increases?

I would like to see us work this matter out so our good friend, the chairman of the committee who is handling the bill on the floor, will not have the difficulty he would otherwise have with this amendment. I think perhaps we might be able to get him as an ally, in time, on the all-volunteer armed force concept.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8662. An act to authorize command of the USS *Constitution* (IX-21) by retired officers of the U.S. Navy;

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto;

H.R. 13712. An act for the relief of Vincenzo Pellicano; 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.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning.

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

ORDER FOR RECOGNITION OF CERTAIN SENATORS AND FOR CONSIDERATION OF UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the unobjected-to items on a call of the calendar tomorrow if any are cleared on both sides, the able Senator from New Hampshire (Mr. McINTYRE) be recognized for not to exceed 20 minutes; that at the conclusion of his remarks, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes; that the able Senator from New York (Mr. JAVITS) then be recognized for not to exceed 15 minutes, to be followed jointly by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Oklahoma (Mr. HARRIS) for not to exceed 10 minutes between them; and that, upon the conclusion of the aforementioned special orders for recognition, the unfinished business be then laid before the Senate.

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

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

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

Mr. GOLDWATER. Mr. President, it is with a great deal of pleasure that I rise to support the amendment of the Senator from Oregon. I am particularly happy that the distinguished Senator from Oregon prepared it and submitted it, and that he allowed me to be a cosponsor.

I might say that I have lived for about the last 7 years with the idea that we can have a volunteer military force in this country. I shall explain my reasons briefly today. Then, as the debate proceeds, I hope to develop further thought on it.

AN ALL-PROFESSIONAL, VOLUNTEER MILITARY SERVICE

Mr. President, the Senate will reveal by its action on this amendment whether it views military service in the Armed Forces of the United States as an honorable and dignified profession, or whether it believes that the staffing needs of the Armed Forces can be met only by a system of human bondage.

Are we, as a nation, ready to turn away from the medieval concept of a conscript army, in which people have to be forced to serve, under penalty of being sentenced to jail if they refuse?

Are we willing to take the practical steps that are crying to be done, from a sense of equity alone, so that military service can be transformed into a rewarding and important profession?

Is military service to be equated to a jail sentence? Or is it to be seen as an honorable profession for which people will be glad to volunteer if they are offered a decent salary with fringe benefits similar to civilian opportunities?

Is a military career to be regarded as a shameful activity? Or will it be recognized that, even now, millions of men and women freely choose to volunteer for service in the Armed Forces out of a devotion to their country and a desire to contribute to the well-being and protection of their nation?

Now, we have offered an amendment that would allow the Senate to take a position on these matters. The amendment would restore military service to a completely voluntary status. It would move our society back to the normal state of affairs which has prevailed throughout our history.

Although the young people of our nation have grown up with the draft, it has not always been so. In fact, the current condition is a most unusual one in our culture.

While few people are aware of it, there never was a compulsory system of military service in the United States until the Civil War. The draft first appeared in America in 1863. After that war, it was dropped and did not show up again until 1917, when it was used and then, of course, dropped after that war. In 1940, the draft came again, but it was allowed to expire in 1947.

One year later Congress passed a draft law and that one is still with us. It stays until the end of June next year, at which time, if it is to be renewed, Congress will have to do it.

Mr. President, I think from this brief review it can be seen that the fact that the draft has continued since 1948 is contrary to the entire past history of the United States. This practice has

had no place in our system of freedom except as a temporary expedient.

For, when the law is used to tell a young man how he shall spend several years of his life, this causes an invasion of the most precious and fundamental of human rights, the right of each citizen to live his own life. And to do this as he may choose. This is why as a conservative I am strongly committed to the voluntary military approach.

Not only do I believe that the draft is wrong, but I also believe it is wrong to assume that free men have to be forced to fight for their country. I am just old fashioned enough to believe that there are still a great many Americans among us who think enough of their freedom that they are willing to fight for it. Furthermore, I think the rest of the Americans are willing to pay those who serve in the military a good and ample wage, with fringe benefits, for shouldering the task.

Mr. President, I would remind Senators that this is not a new cause to me. I might say that I came to the conclusion to support this position during the last 5 years of my military service of 37 years when as a Reserve officer, my mobilization day assignment was Deputy Chief of Staff for Personnel for the Air Force. As I watched the inefficiency of maintaining the draft, I became convinced that we had to institute a different system. This was during the early 1960's.

Since then the picture has steadily improved for the voluntary system until today, when we are standing on the precipice, ready to dismantle the draft and establish a fully voluntary, completely professional army.

Mr. President, I can only repeat what the Gates Commission found: In short, that a voluntary system will work. This was the unanimous finding of a commission that had started out with members having many different views and experiences. When the meetings began, there was about a 50–50 split among the provolunteer members and the antivolunteer members. By the time the Commission had concluded its study, not one person was on the other side. They all said that the voluntary service is feasible.

To get an idea of why the Gates Commission is so convinced that we can achieve a force of all volunteers, you must understand one of the curious facts about the composition of the present Armed Forces. The truth is that our current forces are already made up predominantly of volunteers. This is something that many people do not realize. We have in my State of Arizona, for example, such a large number of volunteers that our draft call in many months has practically been nonexistent.

Mr. President, there are in the military today 1¼ million persons who are serving beyond their first term of service. There can be no question that these people are true volunteers. They could have gotten out if they had wanted.

Next, there are approximately 800,000 additional true volunteers in their first term of service. They are individuals who say that they would have enlisted even if there had been no draft looming over their heads.

This means that we are talking about a military force which right now has on the order of 2 million true volunteers, with over a quarter million new ones each year. Indeed the existing base of volunteers is so large that the Gates Commission found—

> A fully Volunteer Force of 2.5 million men can be achieved by improving pay and conditions of service sufficiently to induce approximately 75,000 additional young men to enlist each year.

So, no one need fear that we will suddenly be required to attract 2.5 million volunteers all at one time in order to maintain a strong military force. All it will take is an additional 75,000 volunteers each year. Surely, we can improve the conditions of military service that much.

What will it cost? Well, it certainly will not bankrupt us. The Gates Commission came up with an extremely conservative estimate of $3.2 billion in the transition years and $2.1 billion once the voluntary force is fully operational. Now, to my mind, and distinguished members of the Gates Commission agree, this is too high. In fact, I might say, Mr. President, that what really got me interested in a voluntary force, outside of the rights that are concerned, was sitting, on periods of active duty with the Air Force, both in the Pentagon and out in the field, and realizing the tremendous waste that the Air Force alone went through each year as we would watch first-term draftees drop out to go home, after having had spent on their education in electronics, engineering, hydraulics, engine care, and so forth, from $85,000 up to the Lord knows what. My business sense told me that if we could keep those men, or a majority of them, in the Air Force, we could probably in the long run make money by it. I am still of that opinion. My instinct tells me that the savings to the Government have not been weighed heavily enough. I am speaking from experience because I studied the application of this proposal during my annual tours of duty with the Air Force in personnel at the Pentagon in the early 1960's. I was astounded at the amount of money that it cost just the Air Force alone each year to retrain a man for a slot that had been vacated by another man. This training in a 4-year term can run as high as $250,000 in the case of enlisted men. In the case of officers, it can be double that, or more.

In fact, Senators may not know it, but in a B–52 first-term pilot we have invested about a million dollars in training.

I admire these men, for they can look across the street and see an airline pilot for almost any domestic airline making almost three times what they are making; and, even realizing that when the 747 pay scale goes in they will be making five and a half times what these young men make, there are still enough of them willing to stay that it makes me believe we still have enough young men with the interests of their country at heart to fill a voluntary army.

The average enlistee or draftee who goes through—let us say training in electronics at Keesler Air Force Base—has over $80,000 invested in him. If he drops out, somebody has to fill that slot, and the estimate I came up with was that it would save the Air Force alone about $1 billion a year if we could have men that we could keep in these slots.

My thinking is borne out by the personal views of Milton Friedman, who has studied this for a long time. In his view, as an economist, the mixed force of part volunteers-part draftees is grossly inefficient. As he points out, in order to man an armed force with part conscripts a larger total force is needed. For example, a man drafted for 2 years spends the first 6 months or so in training. The last 3 months of his service he is being processed for discharge. You are lucky if you get 1 year of service out of the man for the 2 years he is in the military. In addition, there must be people to train him.

The result is that the all-volunteer force needs fewer people than a mixed force. The Gates report found that to maintain a 2.5 million-man force which includes draftees, each year about 440,000 young men must be recruited for the enlisted forces. Under a completely volunteer service, only 325,000 people are needed. In other words, the mixed force wastes 115,000 men a year in order to keep up the same military effectiveness as the all-volunteer force.

Mr. President, another point about the Gates report is that it is honest in arriving at its estimates. For example, contrary to what its critics charge, the Gates Commission tackled head on the problem that the Army faces in filling the hard-to-fill infantry spots. The Commission wisely set its compensation tables at levels high enough to provide the Army with the quantity and quality of volunteers which it requires. The Army was considered separately because the Commission recognized that this was a critical element. As the report indicates:

> The evidence is overwhelming that if compensation is set at levels which satisfy Army requirements, the other services will be able to attract enough qualified volunteers to meet their respective requirements.

So, if anyone says that the Gates Commission has not considered the special problems confronting the Army it is pure hogwash. They have not read the report.

Another misleading question that will be raised by critics is "What happens in case of a national emergency?" Again, this is nothing more than a scare tactic. If anyone thinks that the draft is going to provide emergency forces on the spot, then he does not understand much about war.

Conscription cannot provide emergency forces. It never has, and I see no way, after 37 years of military service that it can. The first recourse will be to the Ready Reserves, including the National Guard. In the words of the Gates report—

> Conscription cannot provide emergency forces: it takes many months of training for civilians to become soldiers.

Thus, it will be the Reserve forces which will provide immediate support to the active forces. Like the active duty forces, the Reserve units will be recruited on a voluntary basis.

The measure we have sponsored will automatically increase the drill pay for

Reserve participation at the same time that it provides pay increases for the active component. In my view, this increase will be sufficient to encourage Reserve enlistments adequate to maintain a voluntary Reserve force which is large enough to support a voluntary active duty force. Furthermore, in the case of an emergency, conscription could be reinstituted by an act of Congress, almost immediately, because our plan provides for the continued registration of all young men in the United States even though the draft itself will be done away with. This standby system will satisfy the long-term needs of the Nation.

This brings us closer to the truth about the proposed amendment. It will not end the draft immediately. It will not leave the country defenseless in time of sudden emergency. It will not bankrupt the budget. It will not injure the national security.

The voluntary military amendment will improve the conditions of military service. It will provide immediately upon its enactment for a 50-percent increase in the value of basic pay for first-term enlistees and 28 percent for first-term officers. The increase for those in their second term is about 9 percent.

In addition, it will provide that the Secretary of Defense shall put into effect, as soon as practical, several other features which will make military life more attractive. For example, proficiency pay should be made available to all persons with special skills. Promotions should be accelerated for high-quality personnel. Military men should acquire vested rights to retirement benefits after 5 years of service, similar to civilian employees. And, the Government should provide an equitable survivor annuity program for military retirees which is on a par with the one that is offered to civilian employees. The senior Senator from California (Mr. MURPHY) and I will offer an amendment shortly that will nail down the survivor feature of the volunteer proposal.

Mr. President, these changes are needed whether or not we move to an all-volunteer military. The hidden tax which is imposed on Americans who are valiantly serving their country should be removed even if we do not end the draft. The idea of regarding military personnel as some kind of feudal slaves who can be expected to labor at half of what the civilian market will pay is unworthy of a modern, civilized nation.

To my mind, any Senator who votes against this amendment will be announcing to the men and women now in the Armed Forces that he believes they are undeserving of getting the improved benefits our amendment will provide. A vote against the proposal is a clear-cut vote to deny to each of the persons now serving in the military their chance to be put on a level of equality with their civilian counterparts.

Not only that, but also by voting against the amendment, Senators will be sabotaging any chance that the draft can be permitted to die next year. If any Senator means more than lipservice when he says he endorses the principle of the voluntary military, then he will vote for this amendment as a way to set the foundation on which a voluntary system can be erected.

Why not give it a chance? Why not put into effect the improvements which we recommend and see whether or not this will attract an adequate number of volunteers so that the forced draft can end?

Mr. President, that has been my position all along. I want to give this a try. If it does not work, all Congress has to do is to reenact the draft.

We all realize that this issue will have to be debated again next year. We will each have to make a fresh decision at that time about whether or not conditions have changed sufficiently so that the draft can be allowed to expire on June 30 of 1971.

Therefore, if a Senator has a preconceived idea that the voluntary system will not work, and he wishes to create a situation in which that prediction will be borne out, then he will vote against the amendment. But if he is willing to keep an open mind on this matter, and if he is willing to give the voluntary proposal a fair test, then he will support the amendment.

What harm will be done? We are not voting to abolish the draft here and now. We are only voting now on whether we will give all military personnel, both conscripts and enlistees, officers and career members, decent and equitable service conditions. The question of finally ending the draft will not come up until next year.

Some Senators may wonder why we do not wait for hearings. Well, we can have hearings on the question of ending the draft next year. But time is running out on the chance to put into effect the benefits that are needed as a precondition to establishing a voluntary service.

After all, our proposal was originally introduced as a bill, as far back as January of 1969. We have been seeking hearings on the proposed legislation ever since. To use the fact now that we have had no hearings as a reason for not acting on the proposal does not seem to me to make much logic. There is no time left for hearings. These improvements in the pay structure have to be put into effect immediately. If hearings are desired, then I suggest that we should adopt this amendment now and plan to hold our committee sessions next year on the question of whether or not these changes are enough to make a completely volunteer system work.

In closing, Mr. President, I know there is some question about where the President stands on this. I have not talked to the President personally about it.

I need not remind my Republican colleague, the sponsor of the amendment, that a voluntary military was not only a part of the platform of 1964 but also of 1968. In fact, I recall that in the first speech I made seeking the office of President, in my hometown of Prescott, Ariz., I spoke on the subject of the voluntary military, and the President has since spoken out in favor of it.

I urge my colleagues to put the volunteer Army to the test. Set the stage so that we can honestly tell whether or not the draft can be allowed to expire next year. If it can, then the action we take today will, in a short time, restore America to the best traditions of a free society.

Mr. HATFIELD. Mr. President, I should like to commend the very outstanding presentation of the Senator from Arizona.

I have had the great privilege of knowing the Senator from Arizona now for over a decade. I have known him on the campaign trail as we campaigned together in 1964. I was proud to be on his team as he sought the Presidency of the United States.

I have seen him in his home State of Arizona and have observed him in the Senate since his return here.

Whether one agrees on all issues with the Senator from Arizona, it must be said that the Senator from Arizona is deeply concerned and committed to the principle of individual freedom in this country. I have never known him to take a stand on or to fight for a cause that did not at least recognize the importance of the individual and his rights within a free society.

I believe that his leadership on this amendment and his presentation today confirm and reiterate that characteristic which all of BARRY GOLDWATER'S friends, even his opponents, recognize in him.

I am proud to stand with him on the same issue and the same platform, shoulder to shoulder, and take this occasion once more to express my deep admiration and respect for him, not because we agree on this particular issue but, over and above all issues, this is the kind of integrity this man represents. I am proud to be a cosponsor with him.

Mr. GOLDWATER. Will the Senator from Oregon yield at that point?

Mr. HATFIELD. I yield.

Mr. GOLDWATER. I should like to thank the Senator from Oregon for his charitable remarks, and would like to point out something that many liberals in this country overlook and, I must say, many conservatives also overlook.

We hear the young people say in America today, "We want to do our thing." That is a great way to express what conservatives have been trying to say for hundreds and thousands of years; namely, "We want to live our lives unoppressed by a central government. We want to choose what we want to do with our lives, except in times of emergency when it becomes obvious that we have to resort to a tactic such as the draft."

That is the clear lesson I learn as I travel across America and visit with our young people in grade schools, high schools, and colleges, and why they will not call themselves conservatives, necessarily, and will not even identify themselves with any particular philosophy.

I believe that what we are finding in America today is not young people in opposition to military service, per se, inasmuch as it might mean serving their country. They are patriotic. They are loyal Americans. I just believe they have become imbued with the one central thought of what began the United States of America: Freedom.

I do not mean freedom from taxes, or freedom from oppression, but the free-

dom to do what one wants to do, as long as, in doing "our thing," it does not hurt someone else.

Mr. President, when I say that, I am stating what I have found in this country. I hope that my liberal friends on the other side of the aisle will pay some heed to this and not try to find in the remarks and activities of our young people some ulterior or obscure motive. To me, it is as plain as the sun coming up above my Arizona desert. These young people are ahead of us. We older people have got so used to oppressive government, so used to the government running our lives, that we sort of think we can help it no longer. But not these young people. I admire them for it.

Again, before I leave the Chamber, I want to thank my good friend from Oregon who had the courage to prepare this amendment and to introduce it.

I look forward, in the days ahead, to the opportunity to help.

Mr. HATFIELD. I thank the Senator from Arizona very much.

Let me point out one aspect of the remarks of the Senator from Arizona. He has eloquently focused upon how fallacious it is to apply labels to political personalities and political issues, that an issue is liberal or conservative, or someone is liberal or conservative.

I need not quote the famous line from the Gilbert and Sullivan operetta "Iolanthe," which indicates that every boy and every girl born into the world was born a little bit liberal or a little bit conservative.

But, it is important to note those who are generally referred to as conservatives, like my good friend from Arizona, and those who are generally referred to as liberals, such as perhaps my position would represent in the political spectrum; but I think basically, in terms of classical labels, we on the so-called liberal side have also prided ourselves that we put human rights before property rights. We like to pound the desk and make speeches about how we on the liberal side are always in the vanguard on any question concerning human rights.

I say that this is the most fundamental of all human rights, that we do not have to be liberal or conservative to recognize it; namely, whether we are going to maintain our medieval system of "tax-in-kind" requiring obligation, force, and coercion, as a basis for giving our lives to the government, in lieu of some other kind of tax. We abandoned that kind of thinking when this country was created. That kind of thinking abounded in Europe. That was the way the monarchies in Europe functioned. They declared that the males had to give that kind of support to their king and country.

I believe that we fall into some rather bad ways when we begin to accept that thinking as a way of life. I am disturbed at times when I find that there are those who say, "well, it is the lesser of two evils," or "it is the least of all evils," that "we must accept it, because there is no better way," or "it might cost us a little more money to do it some other way."

I do not believe that we can accept all that as being valid excuses for inaction.

Our young people have been patient in this country—far more patient than would be required even of someone who has had to live under this kind of inequitable and involuntary servitude, if we want to call it that. I do not believe it is exaggerating to call it involuntary servitude, when many young men are being pushed into a war that their conscience resents yet, because of draft inequities, are required to do so because there is not a broad enough interpretation of a conscientious objector or some other related issue.

I believe it is time that Congress stand up and recognize that one of the deepest issues in this country that divides our people today among the various segments, black or white, young or old, is that we have a system of inherent inequity. Its very title tells us that—"Selective Service." We could call it "discriminatory service" and that would be just about as accurate.

Until we abolish the draft and create the opportunity for our young people to give service to their country on a voluntary basis, we will find America deeply troubled, that increasing the police force alone will not solve it. We are going to find that force, no matter how applied, will not push down or put out the kind of resentment we find today against a compulsory, coercive and medieval system of conscription.

Mr. President, we are talking today, and we have been for several weeks, about the Military Procurement Act to which this amendment will eventually be proposed. I think when we talk about military procurement, we ought to think in terms other than mere weaponry. We are talking about, in a very germane way, the fundamental of our defense system—that is, its personnel.

This is one of the most significant—if not the most significant—amendments that we have considered up to this point. And that is manpower procurement. Let us broaden our view and vision as we talk in the days ahead on the Military Procurement Act and incorporate the concept to realize that we are talking about people as well as instrumentalities and weaponry and airplanes and tanks and aircraft carriers and so on.

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

Mr. HATFIELD. Mr. President, I am happy to yield for a question.

Mr. COOK. Mr. President, let me say this to the Senator from Oregon and to the Senator from Arizona. One of the first bills that I became a cosponsor of when I first came here a year and a half ago was a bill to establish a Volunteer Army. I remember then in discussing it on many occasions that—as the Senator from Oregon mentioned—people would say it somehow or other is going to create a mercenary force. That was so well covered by the Senator from Oregon, who pointed out that the hierarchy of the military establishment is a professional force. These are professionals, as they should be.

I want to say in regard to the Senator from Arizona that one of the things I was able to do, and was delighted to do, was to hold the hearings open on the 18-year-old vote so that the distinguished Senator from Arizona could testify before our Constitutional Amendment Subcommittee. I think that we are talking about all of these things in one little ball of wax, really.

I think we are talking about a voluntary army to satisfy the desires of the young people of this country. I think we are talking about the opportunity for 18-, 19-, and 20-year-olds to cast their ballots in all elections across the country. I have been able to say to many of those from the sophisticated States that I now find myself associated with in the Senate of the United States, "Why did not you long ago do as the Commonwealth of Kentucky did in 1954 when we allowed the young people to cast their votes in all elections, starting in 1954?"

Another thing that we run up against, I would refresh the memory of the Senator from Oregon, is that when we talk about equal rights for women, the first thing someone says, if he wants to be contrary to the principles of the Constitution, is that everyone should be treated equally. The first thing they say is, "Are you willing to be drafted?"

It is not a matter of whether they are willing to be drafted. I think that every person in this country, man or woman, is willing to defend this country when this country needs to be defended.

When the young people of this country say, "Why does this have to continue," I have to say, "I think it is because we have gotten ourselves in a rut and have continued for so many years that we do not know how to stop it."

We started it before. We stopped it before. The Senator and I are on a separate bill that calls for registration in the event of national emergency declared under the Constitution by the President of the United States.

We are going to keep this bank of ability and capability that is so obviously and so absolutely ready to serve this Nation and will always be ready.

I would like to feel that one of the things that will really come out of this session of the Congress, at least from the standpoint of the Senate, is this amendment which will be well debated, and the fact that we—the Senate, and not the House—added the amendment on the extension of the Voting Rights Act of 1964 providing for the 18-, 19-, and 20-year-olds in this Nation voting in all elections, and the fact that we have on the calendar a constitutional amendment providing equal rights under the Constitution for every individual in this country regardless of sex, religion, or whatever the case may be.

I think that we have put all of the things in perspective in the year 1970.

I congratulate the Senator from Oregon and the Senator from Arizona—who has left the floor at the moment—because many of these things, as the Senator and I know—the Senator has been an advocate of for quite some time.

I wish to thank the Senator for allowing me to be a cosponsor of his amendment.

Mr. HATFIELD. I thank the Senator for his commendation.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. HATFIELD. I yield to the Senator from Mississippi without losing my right to the floor.

Mr. STENNIS. I thank the Senator. I did not know how long the Senator was going to speak. I just want to ask some questions and make some comments also.

Does the Senator really propose in his amendment, should it become law, that after June 30, 1971, we shall no longer have a Selective Service Act? In other words, is this a bill to create a volunteer Army or is it a bill to, in effect, repeal the Selective Service? I think there is a great deal of difference between the two.

Mr. HATFIELD. There is a difference. I would respond to the Senator from Mississippi by stating that this amendment would implement as of now the pay scale for the existing military force of conscripts and volunteers. It would permit the selective service law we are now under to expire.

It does not commit the Senate at this time to repealing the Selective Service Act that is in effect, because it would merely permit it to expire. However, it would immediately implement the necessary ingredients for an all-volunteer military service.

I would add one final thing, that it does require and permit the machinery for a continued registration of the young men in this country. It does not permit the drafting of those young men because if Congress does not act to extend the draft, and the draft is permitted to expire in June 1971, there would be no draft system. There would be no draftees. Therefore the only obligation would be for a young man to appear at an appropriate place and give his name, address, and age.

The reason for continuing the registration system is simply—as referred to a moment ago by the Senator from Kentucky—that if this country should face the necessity of reinstituting the draft, that it be like the census in that we would have an inventory of the eligible young men who might have to be subjected to a new draft system.

That is the only purpose that the new registration system would provide or the only reason that it would exist.

Mr. STENNIS. Mr. President, I thank the Senator. That brings up another question. What would the Senator propose doing about a young man that was drafted 3 months before the Selective Service Act expired? What would be his situation?

Mr. HATFIELD. Any young man that would be drafted under the existing law would be subject to the provisions of the existing law.

Mr. STENNIS. He would have to continue to serve after the transition mentioned by the Senator.

Mr. HATFIELD. That would be the presumption unless specific action is taken later by Congress or some other provision created. But it would be the assumption that any man drafted under the existing law would serve out his obligation under the existing law, which is 2 years.

Mr. STENNIS. We have figures here, which I will not go into now on the Senator's time. They show that it is the Selective Service Act which brings the men in, who are really available to be assigned to Vietnam, or anywhere. This bill makes certain pledges, assurances, guarantees, and double guarantees, for example, as to the Middle East, and taking on additional burdens to those we already have.

We have figures which show the estimation of what the volunteer army concept would draw in getting men to go into one war that is already on. I will not go into that further at this time.

Mr. HATFIELD. May I respond to the Senator's comment at that point?

Mr. STENNIS. Yes. The Senator has the floor.

Mr. HATFIELD. I would like to comment that the matter of producing manpower requirements to meet the national needs, or implementing existing or anticipated foreign policy, is all found within the number of men required under each month's draft call, which, as long as this draft system operates, is very flexible. So this amendment at this time would have nothing to do with that kind of need or meeting unanticipated needs. Under an all-voluntary system you would find a greater capacity to meet unanticipated needs than we have found under the draft system.

We had the draft system at the time of the Berlin airlift or the Korean crisis and we had to call up World War II veterans in order to have qualified personnel to send to those areas.

Mr. STENNIS. That is the purpose of the Reserve. We spend considerable amounts of money each year on the Reserves. We called them up at the time of the Berlin crisis and the Korean crisis. In this war we did not call them up.

Mr. HATFIELD. We would continue under the volunteer system to expend money for the Reserve programs to meet such crisis.

Mr. STENNIS. We get a great number of those men in the Reserves through the Selective Service Act. The Senator should not forget that. If the Selective Service Act were repealed we would have a vastly different practice.

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

Mr. STENNIS. I have waited a long time to ask a few questions, but if the Senator insists on being heard, I yield.

Mr. HATFIELD. I thank the Senator. I yield to the Senator from Kentucky.

Mr. COOK. I would hope that when the distinguished Senator from Mississippi presents his figures of those individuals who are brought in under the draft and those who volunteer, that we would take into consideration a new set of figures based on a new pay scale, because I do not believe we can hold out to the young people of this country an opportunity to volunteer at the present pay scale under the present military system.

I merely want to add that I hope when these figures are presented we understand they reflect the present pay scale under conscription and the Selective Service Act, because whether one is drafted or whether one volunteers, a private makes the same amount of money.

So I do not think we would have the complete picture in a reflection of figures showing that in the month of July the Selective Service took in 16,000 or 18,000 men and only 2,000 or 7,000 may have volunteered, because I think when you keep up with the cost of living and give a man a decent wage to participate in the voluntary system, he is more amenable to join that system than he would be under a reflection of present statistics.

Mr. HATFIELD. I appreciate the comments of the Senator because he puts his finger on the point that is involved here.

Furthermore, I would say to the Senator from Mississippi about the calling of the Reserves, under the Gates Commission recommendation, which this amendment incorporates, the hourly pay for reservists in the first year of duty would rise from $1 to between $2 and $2.50, depending on his grade and length of service.

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

Mr. HATFIELD. I yield.

Mr. STENNIS. How many would volunteer to go to Vietnam for that $1.50 difference he would make?

Mr. HATFIELD. I did not understand the Senator's question.

Mr. STENNIS. How many would volunteer to go to Vietnam for the difference in pay he would be making? How many would volunteer?

Mr. HATFIELD. I could only say it would be more than is necessary to maintain the present level of services there. This is not based on personal opinion.

Again I refer to the Gates Commission which addresses itself to whether a volunteer military at this moment would provide enough manpower to maintain the Vietnam commitment. On that Gates Commission there was Gen. Alfred M. Gruenther, former Supreme Allied Commander in Europe, and General Norstad, who was also the former Supreme Allied Commander in Europe. Both of those generals, along with former Secretary Thomas Gates, came out with the unanimous viewpoint that we would have sufficient manpower to meet our present Vietnam obligations if we instituted a voluntary military at this time.

I know the Senator probably has the figures but, according to the Pentagon today 2 million volunteers are represented in our armed services.

This was also the case in 1965 before the great influx of the Vietnam draft. So when one considers the fact we have this number of true volunteers at the time of military involvement in Vietnam, I think it is ample evidence we should be able to maintain the requirements to carry out our policy. But it might also be an interesting commentary as to whether in a democratic system, a foreign policy is so out of keeping with the general popular will of the people that we feel we may not be able to implement that foreign policy by a voluntary military. I think it represents a very sad commentary on our approach to a

free society if in maintaining that foreign policy they cannot get the support of the people.

Mr. STENNIS. That is altogether another question. We are already in the war. I think, now, if you really want to stop the war in Vietnam, regardless of everything else, just repeal the Selective Service Act. That will stop the war rather soon, if that is to be the coming desire. It will stop the war, regardless. I think that will bring it to an end in a very short time.

Mr. HATFIELD. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I do not want to impose on the Senator.

Mr. HATFIELD. I am happy to respond to any question the distinguished Senator asks.

Mr. STENNIS. I will ask the Senator this question, and then I will ask no further questions at this time.

The question has been raised by the Senator from Arizona, who has left the Chamber. He said something about the position of the administration on this amendment, and he reminded us the President advocated a voluntary Army, and so forth, under certain circumstances.

Mr. HATFIELD. Mr. President, I yield for a question.

Mr. STENNIS. I would like to make a statement.

I wanted to know just what the administration's position was before we entered into debate on this amendment. In the President's message of April 23, 1970, he made it clear that the authority of the Selective Service Act would have to extend beyond July 1, 1971.

I have a letter here from the Department of Defense which is totally opposed to this amendment. I submitted a question to the White House. I ask the White House on Monday morning. I told them I wanted a definite answer yes or no whether or not the administration was backing this amendment. I received the answer within the last hour or two. I am authorized to say on the floor of the Senate that the administration is opposed to the amendment as an amendment to the pending bill.

There is no doubt about it. The administration is fully opposed to it. Whatever is done about the subject matter, it wants it done in the regular processes of legislation, hearing, a bill, and determination. I want to make that clear and plain. I am certain that is the administration's position and that I have understated it a little rather than overstated it a little.

I bring that up now so we will not have any doubt about it. Here is the President's statement of April 23, 1970, stating that it will be necessary to have a continuation of the Selective Service System.

That is just commonsense, it seems to me, as long as we are in the situation we are.

I thank the Senator for yielding to me. I am going to stay here now until I can get the floor to make some points.

Mr. COOK. Mr. President, will the Senator from Oregon yield?

Mr. HATFIELD. I yield.

Mr. COOK. Mr. President, I want it very clear in the RECORD, if the Senator from Oregon does not mind, that my support of this amendment has not one thing in the world to do with the present operation in Vietnam. I want the Senator from Oregon to know that and I want the Senator from Mississippi to know that. I do not want any question about it at all.

Mr. STENNIS. Mr. President, if I may reply to the Senator, I was not talking to the Senator from Kentucky; I was talking to the Senator from Oregon.

Mr. COOK. I merely want to say it was implied that if we want to bring everybody home and end the war now, by passage of this amendment that can be done. I want it in the RECORD right here and now that that is not the reason why I am cosponsoring the amendment. I am cosponsoring the amendment because I came to the Congress one of the first bills I sponsored was for a volunteer army.

I think there may be some degree of confusion in this debate, and this may be so during the whole tenure of the debate here, that, somehow or other, every amendment is geared to and aligned with a complete and absolute and immediate elimination of all U.S. forces from Southeast Asia.

I want to make it very clear that that is not the reason for my cosponsorship of the amendment.

Mr. HATFIELD. I thank the Senator from Kentucky, because that is the very point I was going to address myself to in response to the Senator from Mississippi.

It was the Senator from Mississippi who brought up the question as to whether or not, under a voluntary system, we could maintain our foreign policy and our foreign commitment in Vietnam. I responded to the Senator from Mississippi, as the record will show, that it was the opinion of the Gates Commission that we could meet that commitment. In order to take it away from a personal focus or personal opinion that might be distorted or misunderstood because of my known position on the war in Vietnam, I wanted it clearly understood that it was a position clearly taken by the Commission which included two former Supreme Allied Commanders in Europe and a former Secretary of Defense, and therefore it was not in response to a position based on personal opinion, but on the valid observation of men who might probably support the Vietnam policy in which we are now engaged.

I want to make it amply clear that my concern for the present mandatory manpower system predates Vietnam by several years.

Just for the record I want to make it clear that from 1949 to 1957 I happened to be serving as a member of the staff on the university campus and, included in my auxiliary duties was that of military adviser to students. In addition, it was my responsibility to fill out form SS–109 each year which had to be submitted to draft boards with respect to various male students at the university. It was at that time that I could gather, by the data and understanding, that it was a highly inequitable system as it related to those students who got deferments for taking one major as against other students who took other majors, which would bring the whole question into a matter of looking at a gray area, as to whether one student should be given a deferment for student qualifications as against another.

So it was on that basis, which predates the Vietnam war, that I took the position that our selective service system was highly inequitable.

I also saw it during the Berlin airlift and the Korean war, when the system failed to meet our needs on the specific basis of selection.

So I want the record clear that my feeling about this question antedated my view on the war in Vietnam, and has nothing to do with my commitment to see the Selective Service System repealed and a volunteer system enacted.

Mr. STENNIS. Mr. President, can the Senator conveniently yield to me for a few minutes' comment at this point? I would appreciate it. I know that the Senator is going to continue his speech.

Mr. HATFIELD. I am happy to yield to the Senator from Mississippi for that purpose, without relinquishing my right to the floor.

Mr. STENNIS. I appreciate the Senator's unfailing courtesy.

Mr. President, I have here a letter that I am sure will be of interest to the Senate and that I think should be in the RECORD, from the Secretary of Defense, Mr. Laird, dated August 14, 1970, addressed to me as chairman of the committee regarding this amendment.

I point out, Mr. President, that as I understand the facts, every statement the President of the United States has ever made on this subject assumed, or he expressly stated, that he expected a continuation of the draft. This amendment would cut that expectation off. He said that it is based upon a transition period, and this amendment does not provide for any transition period. This amendment is at the opposite pole from what the President, as Commander in Chief and as President of the United States, has really recommended.

Mr. Laird said:

The purpose of this letter is to advise you of my deep concern and strong opposition to Amendment No. 765 to H.R. 17123.

The amendment assumes the termination of draft legislation on July 1, 1971. I am convinced that military manpower needs will require the continuation of the draft beyond this date. I point out that the President in his April 23, 1970 message to Congress stated that steps to reduce draft calls to zero, increase the number of volunteers, and to end the draft system should be initiated subject to the overriding considerations of national security. In stating his position, the President provided three safeguards in proposing termination of the draft. First, the draft could not be ended all at once; there must be a phasing out of the system in order to insure maintenance of our defense posture at each step. Second, it would be necessary to extend the induction authority beyond July 1, 1971, and third, as reliance on the draft is decreased, a standby draft mechanism for emergency use should be developed. This amendment does not provide for these essential safeguards.

To terminate the draft, as proposed by this amendment, even before the Congress has

appropriated funds for pay increases and other incentive programs designed to increase the number of volunteers, would seriously impair the Services' ability to meet their military manpower requirements. Funding for such legislation is not provided in the FY 71 budget. A precise estimate of the costs associated with this amendment is not possible because of a lack of detailed information. However, the annual costs in pay rates alone (active and reserve) are estimated to be above $3 billion for a single fiscal year. Full implementation of the amendment would probably exceed $4.0 billion in budget costs.

And that is the lowest estimate I have heard on this matter yet.

The letter continues:

The President is determined to move to an All Volunteer Armed Force as rapidly as national security requirements and budgetary realities permit. To fix the date of July 1, 1971 for completion of the transition to an all volunteer force, however, without insuring that funds are available to apply toward the inducement of volunteers and without knowing the effectiveness of these inducements is, in my mind, to needlessly endanger our national security.

I strongly oppose this amendment and urge your assistance in its defeat. Members of my staff are prepared to provide any further information you or the Committee may desire on this critical subject.

Sincerely,

MELVIN R. LAIRD.

Mr. President, in my humble opinion there is nothing more dangerous that we could do for our national security than violate all the principles that the President of the United States has laid down, as delineated here by the Secretary of Defense. I do not believe it is possible—not possible at all—to in any way nearly maintain our military strength by shifting over under this amendment. I know what a hard time they are having finding money for the 1972 budget, which they are making up now. To just say that they can pick up $4 billion as though it were chicken change is to deny reality.

But the main thing is, this transition period is absolutely necessary. I hope that somewhere down the line we can have a so-called volunteer Army. But it is going to take more than dollars to buy it. It is going to take more than an amendment to get it. It is going to take tolerance, and hard recognition of commonsense like the President has laid down. It is going to take more than just a commission's finding to get a bill passed, in my humble opinion.

We should be getting into that Gates Commission report as soon as we reasonably can, and find out what it means and what its burdens are, rather than just the estimates, and see where we are. That is exactly what I have been looking forward to an opportunity to do. But to come here now, just because it is a fine thing to get done if we can, and ignore the best advice we have—and I think that is from the President and the Secretary of Defense—and say we are going to do it anyway, right now, why, I will not say it is ridiculous, but in my humble opinion it would be the height of irresponsibility for us to undertake to make such a drastic change.

I thank the Senator very much for yielding to me, and I shall return in a few minutes to listen further to his speech.

Mr. HATFIELD. Mr. President, I am grateful to the Senator from Mississippi for his comments on the basis of expressing his views, his commitments, and his convictions. I respect the Senator deeply for this as well as for many other actions that he has taken, even though I may disagree with him.

Mr. President, I think it ought to be pointed out that this cannot be referred to as a dangerous concept that endangers our national security. This is a concept that the President of the United States has endorsed. This is a concept that both major political parties of this country, each in its own platform, have endorsed. It is not a new concept.

This is an American concept. The draft is the alien concept involved here. The draft is the system that is not in keeping with the traditions of America. We have had more than 170 years of a voluntary system to prove its workability and the fact that it produced the manpower to defend this Nation.

Let us also point up one thing further. This is not a "quickie" action. This is not something we are undertaking here in the 11th hour, or without sufficient understanding, study, or consideration. I would like the record to show that this proposal was first introduced in 1967. It was reintroduced in 1969; and at some appropriate time, I intend to go back over the CONGRESSIONAL RECORD and recite again, particularly to remind the Senator from Mississippi about the fact that this matter was brought up on the floor at the time we discussed extension of the Selective Service Act, and at that time we were promised hearings on a volunteer military. We were promised hearings which never took place.

I think we have to realize, too, that this does provide for transition. It should be understood that this does not in itself repeal the draft. This amendment merely implements at this time a pay scale that is long overdue, regardless of one's viewpoint on manpower procurement philosophy; and it sets the stage for an orderly transition between a conscription system and a volunteer system, because this draft will remain in effect until July of next year, 1971. That is almost a year away. We will have an opportunity to see how successful this is in attracting young men on a voluntary basis.

If Congress waits until June of next year to act, I can assure Senators that it will have only one alternative—to extend the draft. I think the Senator from Arizona made it very clear earlier that anybody who gives lipservice to the idea of repealing the draft or getting rid of conscription has to support this amendment in order to set the stage for a reasonable and orderly transition from coercion to volunteerism.

Again, raising the fear that somehow we are going to place this Nation in great danger by adopting a voluntary system, I have to refer back again, because I think it is very important, to note that the President of the United States, Mr. Nixon, along with other Presidents who were his predecessors, saw fit to appoint a special commission to make a thorough study and review of the manpower procurement program.

I feel that here, again, we are talking about procurement; that is what is before us in this Chamber today. Manpower procurement is only one part of it, and this is the study that was referred to as the Gates Commission.

It should be clearly understood that we are discussing an issue which is not only germane to our basic bill but also has substance in support of a Presidential commission.

Let me digress, Mr. President. I am not aware that the President of the United States denounced this Commission's report at any point. I am not aware—if I am unaware, I would like to be made aware—that the President has specifically said that this Commission's report was wrong. He has not endorsed it positively, but he has not endorsed it in a negative way, either, to my knowledge.

The Chairman of the Commission which President Nixon appointed was Thomas Gates, who is chairman of the executive committee of Morgan Guaranty Trust Co., former Secretary of Defense, from New York City.

The following people were the other members of the Commission:

Thomas Curtis, vice president and general counsel, Encyclopaedia Britannica, former Representative from Missouri and ranking Republican on Joint Economic Committee, U.S. Congress, from St. Louis, Mo.

Frederick Dent, president, Mayfair Mills, Spartanburg, S.C.

Milton Friedman, Paul Snowdon Russell, Distinguished Service Professor of Economics, University of Chicago, Chicago, Ill.

Crawford Greenewalt, chairman, finance committee, E. I. duPont de Nemours & Co., from Wilmington, Del.

Alan Greenspan, chairman of the board, Townsend-Greenspan & Co., economic consultants, New York City.

Alfred Gruenther, former Supreme Allied Commander, Europe, from Washington, D.C.

Stephen Herbits, student, Georgetown University Law Center, Washington, D.C.

Theodore Hesburgh, president, University of Notre Dame, Chairman, U.S. Commission on Civil Rights, from South Bend, Ind.

Jerome Holland, president, Hampton Institute, Hampton, Va.

John Kemper, headmaster, Phillips Academy, Andover, Mass.

Jeanne Noble, professor, New York University, vice president, National Council of Negro Women; former member, National Advisory Commission on Selective Service; from New York City.

Lauris Norstad, chairman of the board of Owens-Corning Fiberglas Corp.; former Supreme Allied Commander, Europe; New York City.

W. Allen Wallis, president, University of Rochester, Rochester, N.Y.

Roy Wilkins, executive director, NAACP, New York City.

The Commission's recommendations were unanimous in supporting not only a voluntary military but also unanimous in its clear statement that this was the

hour, this was the time, to institute an all-voluntary service.

So this is not some idea that just came down the pike, that someone grabbed hold of and brought before Congress. This is something in connection with which the President of the United States has assisted in developing data in support of this distinguished Commission.

This is a concept that, as I say, is more in tradition and keeping with our history than the coercive conscription system we have now.

Mr. President, I have read the names of the members of this important Presidential Commission. I feel that at this point in the RECORD it would be very appropriate to include some of the language of that Commission, some of the feeling and thinking that was expressed by their formal report. In that Commission report we hear these words, which I think bring out very eloquently the cause for which this amendment stands today:

> Since the founding of the Republic, a primary task of the Government of the United States has been to provide for the common defense of a society established to secure the blessings of liberty and justice.

I think that those words in the very beginning indicate that this Commission, which talked about procurement, manpower procurement, had committed itself to one of the highest ideals for which this country has ever been known—liberty and justice.

The Commission report continues on this point:

> Without endangering the Nation's security, the means of defense should support the aims of society. The Armed Forces today play an honorable and important part in promoting the Nation's security, as they have since our freedoms were won on the battlefield at Yorktown. A fundamental consideration that has guided this commission is the need to maintain and improve the effectiveness, the dignity, and status of the Armed Forces, so that they may continue to play their proper role.

Mr. President, this is not a question of whether we are discussing merely a conscripted Army or a volunteer Army. This even strikes deeper at the cause of national defense, and that is that we want a military system that is effective, that is the best military system we can develop for the defense of this country and for the money that we, as taxpayers, are investing for that cause.

So we are not talking about purely a philosophical point. Some may say, "Well, everybody owes some time or some service to his country." I have had it asked me many times as I have spoken on this issue around the country, "Don't you feel that every young man and every young woman owes a duty to his country?" Of course, I do.

Mr. President, let us not be so narrow in our vision that we think that duty can only be performed in military uniform. Let us also be a little more careful in the definition of what is our country. I think that too often we of our generation think of "country" in terms of geography: "rocks and rills and temple hills."

I think that if we take the time to listen, take the time to discuss with many people today the great question of what is "my country," they will personalize it by saying, "My country is my fellow man; my country is people."

Therefore, I say that anyone who has a desire—and I hope that all people have such a desire—to serve their fellow man—a schoolteacher, an attendant in a psychiatric ward, a carpenter, a plumber, a doctor, a lawyer, a student—anyone who is pursuing a legitimate action in this country today who is adding to the overall production of goods and contribution of services, in my opinion, is serving his country. He is serving his fellow man. I think for all those who seek to serve their country through a military uniform should be given certain, adequate compensation and recognition for that fine service, just as much as anyone pursuing a legitimate role in civilian life should expect and have a right to get adequate compensation, recognition, and respect for the activities in which they are engaged.

I submit that is not the case today with our military service. As I indicated earlier, when thousands of young men today are on welfare, that certainly cannot create respect for a profession or a service wearing a military uniform.

Why should we require such young men to serve under those conditions when other young men can go ahead and pursue their education, go ahead and escape the service of military life through a classification system, and by pursing such legitimate professions and vocations they can build financial security and establish families, whereas other young men in the same community are forced to serve.

Any system that permits someone to escape military service and others to serve against their will, say, is not in keeping with the philosophy and traditions of a free society. That is what this Commission report is all about. That is what they are talking about here. The Commission, as it says, has not attempted to judge the size of the Armed Forces that the Nation requires. Instead, it has accepted a range of estimates made for planning purposes which anticipates maintaining a total force in the future somewhere between 2 million and 3 million men.

It further says that they unanimously believe the Nation's interests will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts, and that steps should be taken promptly to move in this direction.

Steps should be taken to move promptly in this direction, Mr. President. That is what this amendment is all about. It would be a step toward realization of an all-volunteer force. It does not, in itself, create an all-volunteer force. Those of us who cosponsor the amendment believe that it sets forth the incentives and creates a new prestige and respect that must be part of an incentive system for young men to want to join the Army, to want to enlist in the Armed Forces of their country, to make them want to serve their country in that particular way. Thus, it is a step in that direction.

This Congress is not bound in the matter of repealing the draft or in committing itself at this moment. All it will do, come next June, or come next month, we can have an extension of the Selective Service System for another year, or 2 years—even adopting this amendment.

I am hopeful that the amendment will prove the lack of necessity to have to extend the draft system. I shall not support an extension of the draft system. I did not support it before. But that is not the point. The point is, it is expected, and based upon legitimate evidence—and very fine evidence—we can set forth a program now that will make an extension of the Selective Service Act next July unnecesary, and without diminishing the manpower supplies or requirements to meet any foreign policy we are presently involved in.

I think it should be pointed out, further, that besides the points we are talking about today, a little bit on the philosophical side, and a little bit on the matter of an efficient and economic military, it will save the taxpayers money.

At some point in debate I shall recite into the record certain facts that came to us from the Cordiner report. The Cordiner report was one which was established under the Presidency of Dwight D. Eisenhower.

He, like President Nixon, established a commission to make a study of manpower procurement. The Cordiner report indicated clearly—and I will have the specific facts and figures at an appropriate time—that this country would save money just in the area of military weapons maintenance, that today we have a high cost of maintenance problem, to a great degree due to the lack of proficiency of those handling this kind of instrumentality in weapons. Therefore, under an all-volunteer system, it would reduce the turnover and provide for a greater continuity of personnel and we could, therefore, realize great monetary savings over what is now going into maintaining a maintenance system based upon personnel who lack efficiency in handling the various mechanisms.

Thus, I think we have to look at that and not so much at the immediate budget. The question has been raised about how much it will cost, $3 billion or $4 billion.

I thought it was interesting that Secretary of Defense Laird—I want to read the letter in its total context before I make a response to it—but I do think it is interesting that Secretary of Defense Laird indicated there were no figures at the present time upon which to calculate an accurate figure, and then he goes ahead in the same letter and talks about a $4-billion figure. That, to me, is not quite consistent with the idea that there are no adequate figures upon which to calculate a specific cost. Whether the cost figures are $3 billion, which the Gates Commission talks about—$2 billion or $3 billion, or whether it is $4 billion, I say that the voluntary system will not cost this country 1 penny more than the conscription system.

The only difference is that we will be sending the bill to the taxpayer. That is who should be shouldering the bill today for defense rather than imposing upon the backs of military personnel the responsibility to subsidize their own service.

Thus, I think we have to be equitable and fair in our treatment of this issue. When we talk about $3 billion or $4 billion, we are not talking about payment in one lump sum. It is spread over fiscal year 1971. That is an annual cost.

I reiterate now and will reiterate each time the issue comes up on the floor that it behooves us to look at this in a fair manner. When we found it so easy to raise our own salaries, there were no questions raised about increasing the President's salary by double, or raising the salaries of Representatives here up to $42,500. Oh, we did that with great ease, at a time when many were talking about having to make greater sacrifices. But we wanted to put a 10-percent surtax on the backs of the taxpayers. The taxpayers should make the sacrifice. Let the taxpayer make the sacrifice, they said. It is the same concept as a military man making his sacrifice. We have to realize that they are being taxed, in a sense, with a hidden tax, a patriotic tax. They are paying that today by serving their country and then—as thousands are—having to go on welfare.

The figures we throw around so loosely, somehow that we will find the money for increasing the pay of the military people, should be put in the context of where we are spending our money in general. There was no argument about money for the ABM system. We could find billions of dollars to commit ourselves to the ABM system, a system which has great questionability, but somehow for the private or the seaman first class, we just cannot find the money. We have to keep them in poverty. We have to deny them the kind of increases they should have regardless of whether we want to maintain the draft or not.

Now, Mr. President, let me point out, too, as this report indicates, that the United States has relied throughout its history on a volunteer armed force, except during major wars, and since 1948. A return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of patriotism that has never been lacking among our youth, and promote the efficiency of the Armed Forces and enhance their dignity. It is the system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values.

Here we have again a question of values. I do not ask my colleagues to agree that these young men who have left this country to escape the draft are right in doing so.

I have never counseled a young man to do anything that would be in violation of any law. I have said to many of the young men who have come to see and to talk to me, knowing my views on the draft, when they asked me, "What should we do about being forced in the service to fight in a war in which I do not believe," in every instance, "I cannot make the decision for you. No one can make that decision until he has walked the mile in your shoes." I have said, "I will never say anything to encourage you to violate the law of the land."

I agree with the great Abraham Lincoln who said:

> It is our duty to uphold the law of the land, even the laws with which we do not agree. It is our duty to change the laws which we do not like, but it is not our right to violate the laws with which we disagree.

I expect that the most trying time I ever experienced in my public life was in 1958, when I campaigned with my Democratic opponent in Oregon against the retention of the capital punishment law. I did not believe in it. I abhorred it. However, by that same election in which I was put into office and subsequently to which I took an oath to uphold the laws of my State, the people of my State turned down the referendum on capital punishment, and therefore we retained it as part of our law.

I inherited six people in death row. Soon one came before me with a plea for commutation—and I had to hear that case because in our State one man, the Governor, has control over the life and death of a man sentenced under our judicial system to the gas chamber.

Here I was in a position of being definitely opposed to the law that was sending this man to his death. I was in the position by a stroke of the pen of saving that man's life.

That is not a very comfortable seat to be in.

I looked at the situation. This man's guilt was beyond any question. There had been no mistrial and no new evidence presented. There was no question that there had not been a fair trial.

As I said then, I believe that every man in public office exercising his power must provide his constituency with a base and a measurement upon which his action can be reviewed. It cannot be merely a person's viewpoint, a person's philosophy, or a person's whim.

As I have said, Mr. President, the most difficult moment in my life in public office was spent when I had to say, "No. Let the law stand." The law in that instance required that a man go to the gas chamber.

Fortunately, we were able to repeal the capital punishment law in our State before I had any other such confrontation.

I believe deeply in a society based upon law. But let us remember that more than 60,000 young American men today have left this country, basically to escape the draft.

We can say that they are a bunch of long hairs or a bunch of irreverent kids, or this, that, or the other thing. But this is a resource of this country. Sooner or later we will have to face up to the very difficult question: How we are going to recoup that great resource.

We get concerned in Oregon about cutting trees in our great State because we are very concerned about conservation. We are concerned today about our natural resources and about water and other kinds of pollution.

Let us be more concerned about human resources.

I agree that the young men who have left this country have been chalked off in the minds of many citizens and perhaps in the minds of many of my colleagues. I hope not.

This is a system that is costing us far more than the dollars we see in the budget and in the audit system of our Government. It is costing us our manpower and human resources and an alienation and disenchantment and disillusionment of our youth with the Government.

It is not because our young people do not believe in democracy or in our way of life. It is because they have so much faith in it and do not see it working properly that they are concerned in many instances.

I feel there again that we have a great responsibility to take from the books in an orderly transition the kind of requirement and coercion that is alien to this country. Our forefathers came to this country to escape that kind of coercive government.

I am deeply concerned that we not look upon this as a question of whether we are for or against Vietnam.

We have as cosponsors of this provision people of all viewpoints on the war. We have people cosponsoring the measure who are of all political persuasions, philosophical perspectives, and party orientations. Both major parties have committed themselves to this measure.

Mr. Nixon in his campaign—and I want to make it very clear that I am not committing the President to this amendment, but I merely say, as the President said in his campaign, and he is a man of his word—said that he felt that at the appropriate time we ought to remove the draft as part of our manpower procurement system. He was speaking to the concept—not to this amendment, but to the concept—and in support of an all-volunteer system.

I do not believe it is being premature or being precipitate in asking for this amendment.

Again, let me emphasize that this amendment does not eliminate the draft. The draft would be permitted to expire. And if no action is taken to extend it, it will expire.

If we fail to take action of the kind that is incorporated in this amendment, we will have no alternative but to extend the draft. So this is a step toward the creation of a voluntary military. It does not in itself create one. The draft continues on as it has been enacted by Congress.

Mr. President, the Commission—and this should be noted here in its words—says:

> The commission bases its judgment on long range considerations of what method of recruiting manpower will strengthen our society's foundations. The commission members have reached agreement on total recommendation only as the result of prolonged study and searching debate and in spite of initial division.

I think this is a very important point to note, that many times on an issue of this kind, rather abbreviated discussions are handled on such an issue and many times people will start with one viewpoint. When that matter is debated as to the substance and the history and the administration and the arguments pro and con, they change their viewpoint.

I do not think there is anyone in the Senate who has not had that experience. They have had a preliminary attitude or viewpoint toward something and during the course of debate and discussion and study and involvement, one finds that he has the capacity to change his viewpoint.

I think it is interesting to note that this Commission started out acknowledging that they were on a basis of division. There were those who supported, in a preliminary understanding, a voluntary military. There were those who initially opposed the idea or concept of a voluntary military.

Yet, when this Commission completed its exhaustive study and its findings came out in final form they were unanimous in their position. Obviously some Members had changed their viewpoints. All I ask is that Senators take the time to read the report and that Senators take the time to read the RECORD as to the various viewpoints and expressions that will be made over the next—how many days I do not know. I will restate at this point in the RECORD that we have been willing to reach a time limitation agreement. I have listened to the impassioned pleas of those who say, "Let us clear this matter up, get the bill in final form for passage." I am willing to do that but we cannot at this particular hour give a cursory opinion on some preliminary understanding.

I do not think anyone who has failed to read this report can feel he is qualified to cast a vote in this decision, regardless of his viewpoint or background. This report is contemporary; it is not something of the past. It addresses itself to everything that is generally raised on the question of a voluntary military.

Mr. President, I do not wish to extend my remarks tonight and hold those who have other plans and make it inconvenient for anyone. I merely wanted to indicate by this introductory material and these statements that those of us who are joined together in support of the bill are ready to reach agreement on a time limitation but we are just as deeply committed to the proposition that we are going to discuss and debate this issue at length in order to get the Senate to consider what we feel to be one of the most pressing issues of this day, namely, a coercive system that has driven great wedges and divisions in our society and which has proven uneconomical and inefficient so far as building a strong military system for this country.

I yield the floor.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on a survey of the use of advertised contracting in military construction, Department of Defense, dated August 18, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on actions taken or planned to improve use of cargo space on aircraft operated under contract with the Department of Defense, dated August 19, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on Banking and Currency with amendments:

S. 3822. A bill to provide insurance for member accounts in State and federally chartered credit unions and for other purposes (Rept. No. 91-1128).

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

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week."

SENATE RESOLUTION 451—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE COMMITTEE ON FINANCE TO EXPEND $10,000 IN ADDITION TO THE AMOUNT SPECIFIED IN THE LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. LONG submitted the following resolution (S. Res. 451); which was referred to the Committee on Rules and Administration:

S. RES. 451

Resolved, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

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

S. 4261. A bill for the relief of Esther Catherine Milner; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH):

S. 4262. A bill to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown; to the Committee on the Judiciary.

By Mr. CANNON:

S. 4263. A bill to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans; to the Committee on Finance.

(The remarks of Mr. CANNON when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY:

S. 4264. A bill for the relief of the State of Massachusetts; to the Committee on the Judiciary.

(The remarks of Mr. KENNEDY when he introduced the bill appear below under the appropriate heading.)

By Mr. HATFIELD:

S. 4265. A bill to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities; to the Committee on Agriculture and Forestry.

(The remarks of Mr. HATFIELD when he introduced the bill appear below under the appropriate heading.)

By Mr. MOSS (for himself, Mr. BIBLE, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. FONG, Mr. GRAVEL, Mr. HOLLINGS, Mr. HUGHES, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. PELL, Mr. SMITH of Illinois, Mr. THURMOND, Mr. TYDINGS, Mr. WILLIAMS of New Jersey and Mr. YARBOROUGH):

S. 4266. A bill to amend the Federal Aviation Act of 1958 in order to authorize certain reduced-rate transportation to individuals who are sixty-five years of age or older; to the Committee on Commerce.

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

By Mr. ERVIN:

S.J. Res. 231. Joint resolution proposing an amendment to the Constitution of the United States to abolish unfair legal discrimination against women without robbing them of necessary legal protection; to the Committee on the Judiciary.

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

S. 4263—INTRODUCTION OF A BILL TO PROVIDE AUTOMATIC COST-OF-LIVING INCREASES IN CERTAIN BENEFITS FOR VETERANS AND THEIR DEPENDENTS

Mr. CANNON. Mr. President, I introduce for appropriate reference a bill entitled "a bill to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans."

The bill proposes to empower the Administrator of the Veterans' Administration to increase veterans' benefits annually by the amount of the cost-of-living index when it has increased by 3 percent for a 3-month period. It would become effective in January 1971, and would have to have had a 3-month consumer index rise prior to September 30 of each year.

It would increase veterans' payments for those who are entitled to compensation benefits. Mr. President, a similar proposal has been made for social security recipients in H.R. 17550, presently being considered by the Senate Finance Committee.

The ruinous effect of inflation on our veterans and senior citizens must be halted. This can best be accomplished by tying a permanent cost-of-living escalator to their compensations.

I recommend the bill be referred to the Senate Finance Committee for appropriate action.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred.

The bill (S. 4263) to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Finance.

S. 4264—INTRODUCTION OF A BILL FOR THE RELIEF OF THE STATE OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, in February 1969, the U.S. Army abandoned work on a site in North Andover, Mass., which was to have been part of the discarded Sentinel ABM system. The Army left behind a road leading to nowhere and a landscape scarred by huge craters.

I am today introducing legislation which would require the U.S. Government to provide the State of Massachusetts with sufficient funds to restore the North Andover site and create a park there. This bill is a companion to one introduced in the House last week by Congressman MICHAEL J. HARRINGTON.

In one sense, this bill deals with a purely local issue, of interest only to the citizens of North Andover and neighboring communities. But in another sense, it is part of a much larger issue. As our cities and towns grow larger and larger and larger, no resource is more precious than open land, land which can be used for recreation and for renewed contact with nature. We cannot allow this resource to be destroyed needlessly by the military.

Fortunately the damage done at North Andover can be repaired. That is the purpose of the bill I am now introducing.

I ask permission that the bill be printed in the RECORD immediately following my remarks.

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

The bill (S. 4264) for the relief of the State of Massachusetts, introduced by Mr. KENNEDY, 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. 4264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the State of Massachusetts the sum of $685,120.00 in full settlement of all claims against the United States for restoration of land owned by the State of Massachusetts within the Town of North Andover, Massachusetts, described as follows:

TRACT No. 300

A certain parcel of land situated in the Town of North Andover, County of Essex, Commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at a point on the centerline of abandoned Forest Street, also formerly known as Boxford or Dartmouth Road, said point being 1300 feet, more or less, northerly from the centerline intersection of Forest and Liberty Streets; thence running westerly 20 feet, more or less, to a point at the corner of a stone wall; thence running westerly and southwesterly along said wall, by land of owners unknown, 300 feet, more or less, to a corner in the wall; thence running in part along stone walls and by land of owners unknown by the following courses: north 13 degrees 30 minutes west, 280.5 feet, more or less, to a point; north 01 degrees 30 minutes west, 66.0 feet, more or less, to a point; north 73 degrees 30 minutes west, 330.0 feet, more or less, to a point; north 07 degrees 00 minutes east, 270.6 feet, more or less, to a point; north 39 degrees 30 minutes west, 151.8 feet, more or less, to a point; north 85 degrees 30 minutes west, 99.0 feet, more or less, to a point; north 46 degrees 00 minutes west, 60.72 feet, more or less, to a point; north 42 degrees 00 minutes west, 224.40 feet, more or less, to a point; north 41 degrees 00 minutes west, 118.8 feet, more or less, to a point; north 09 degrees 45 minutes west, 151.14 feet, more or less, to a point; south 88 degrees 00 minutes west, 495.0 feet, more or less, to a point; north 46 degrees 30 minutes east, 290.4 feet, more or less, to a point; north 40 degrees 43 minutes west, 49.5 feet, more or less, to a point; north 36 degrees 30 minutes east, 52.8 feet, more or less, to a point; north 59 degrees 30 minutes east, 124.08 feet, more or less, to a point; north 25 degrees 15 minutes east, 77.88 feet, more or less, to a point; north 09 degrees 00 minutes west, 128.04 feet, more or less, to a point; north 21 degrees 00 minutes east, 115.5 feet, more or less, to a point; north 03 degrees 30 minutes west, 181.5 feet, more or less, to a point; south 81 degrees 15 minutes west, 257.4 feet, more or less, crossing the westerly line of the Sharpner's Pond Sentinel Site, to a point; north 35 degrees 45 minutes east, 56.76 feet, more or less, to a point; north 28 degrees 30 minutes west, 198.0 feet, more or less, to a point; north 67 degrees 30 minutes west, 155.10 feet, more or less, to a point; south 78 degrees 45 minutes east, 436.92 feet, more or less, to a point; north 23 degrees 00 minutes west, 184.80 feet, more or less, to a point; north 04 degrees 30 minutes west, 346.50 feet, more or less, to a point; north 60 degrees 30 minutes west, 339.24 feet, more or less, to a point; north 67 degrees 30 minutes east, 320.76 feet, more or less, to a point; north 87 degrees 30 minutes east, 363.0 feet, more or less, to a point; south 76 degrees 30 minutes east, 304.92 feet, more or less, to a point; and north 00 degrees 45 minutes west, 30 feet, more or less, to a point on the northerly line of the Sharpner's Pond Sentinel Site; thence running along said line by other land of the Commonwealth of Massachusetts, south 69 degrees 00 minutes east, 3,185 feet, more or less, to a point on the town line between North Andover and Boxford; thence running along said town line south 23 degrees 43 minutes 12 seconds east, 205 feet, more or less, to a point on the easterly line of Sharpner's Pond Sentinel Site; thence running along said line by other land of the Commonwealth of Massachusetts, south 21 degrees 00 minutes 00 seconds west, 1,265 feet, more or less, to a point; thence running by land of owners unknown south 85 degrees 45 minutes west, 945 feet, more or less, to a point at the southerly end of a stone wall; thence running northerly and northwesterly along said stone wall 580 feet, more or less, to a point; thence running along a ditch, north 30 degrees 00 minutes west, 340.09 feet, more or less, to a point; thence running north 44 degrees 08 minutes west, 112 feet, more or less, to a point; north 78 degrees 54 minutes west, 11.2 feet, more or less, to a point; south 41 degrees 31 minutes west, 53.6 feet, more or less, to a point; and westerly 15 feet, more or less, to a point on the centerline of the aforesaid abandoned Forest Street; thence running in a southerly direction along the centerline of said road, 1,430 feet, more or less, to this point of beginning;

which was occupied and damaged by the United States in connection with preliminary work for a proposed radar site which was not completed due to an abandonment of plans for use of the location for that purpose. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

S. 4265—INTRODUCTION OF A BILL RELATING TO ADEQUATE SEWERS IN SMALL TOWNS AND RURAL AREAS

Mr. HATFIELD. Mr. President, I speak today about a problem which, at first might appear to be separate from others. When examined closely, however, it can be seen that it is only one facet of a larger problem.

The problem of adequate sewers in small towns and rural areas is troublesome to me, as I am sure it is to other Senators.

We must recognize that adequate sewers are needed if our small towns are to survive and prosper. Adequate sewer systems are more than an environmental nicety—they are an economic necessity.

Adequate sewage treatment plants have received much attention lately, as environmental protection needs are headline items. While I certainly share this concern, I must once again emphasize that it is not for environmental reasons alone that we must assist our small towns and rural areas.

Without satisfactory sewage treatment plants in these areas, economic growth is stifled and economic decay receives unwitting assistance. Small town officials in Oregon have discussed with me the monumental problems they have in attracting any new construction in areas without reliable sewer systems. Mayors, Chamber of Commerce presidents, economic development officials, and others in Oregon have told me that they are handcuffed in attempting to lure any new enterprises to their areas when no adequate sewer systems exist.

The lack of sewers strangles efforts to introduce new industry, construct new motels, build new homes—anything that would make the area a better place to live. One Oregon small town cannot even build a new park because there is no sewer service for rest rooms needed at the park.

I gave my full support to efforts earlier this year to increase funding for the FHA water and sewer system projects. Following this, I contacted a number of Oregon small town mayors, and several wrote me to advise me of the current status of their efforts to provide adequate sewers and sewage treatment plants.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, several representative letters

from small town Oregon mayors be printed in the RECORD.

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

(See exhibit 1.)

Mr. HATFIELD. Mr. President, I wish today to point out that what has happened is happening, and will continue to happen in small towns and rural areas that are without adequate water and sewer systems.

This lack of facilities strangles local efforts for economic growth. The effects of this are easy to see: young people migrate to large urban centers, where jobs are more plentiful. This lack of a younger population means that the average age of residents rises. Not only are new payrolls lost when younger people move, but also those who remain are more likely to be on fixed retirement incomes.

The lack of a growing tax base serves as a further shackle, for residents often will reject costly bond issues to help solve these problems at the local level.

The problems of rural areas and small towns, however, are not isolated. A man without a job in the country moves to the city. Every person who leaves a small town and moves to a large city adds to the many urban pressures we have discussed so many times on this floor. He may put another car in a city street, he may live in a sprawling suburb, he may be unable to find work and add to the city's welfare rolls.

We discuss urban problems many times in as isolated a framework as we discuss problems in rural areas. The two are intertwined, as I have tried to point out today in these remarks. This relationship between urban-rural problems should receive more attention.

Is a massive infusion of funding to solve urban problems the only way to attack this problem? I think not, and this is one area where I think dollars spent in rural areas can have a multiple effect.

Is overpopulation the problem that some consider it? I think a better way to phrase that would be: Is population concentration a pressing problem? Of course, to this I would say "Yes."

Small towns are pleasant places to live, raise children, work, and retire. We must encourage people to live in these areas. President Nixon stated, in transmitting his Report on Environmental Quality, that—

> It is essentail that we make rural life itself more attractive, thus encouraging orderly growth in rural areas.

I concur with the President's objectives. We must see that we do not add to urban pressures by avoiding rural problems.

In Oregon, 10 percent of our population lives in areas of under 5,500 population. Seventy-three percent of all rural communities do not have adequate sewage systems. In addition, 118 new community water systems are needed. This need is compounded by the fact that 64 percent of the rural households have annual incomes of less than $7,000.

Mr. President, we must recognize that these problems are not particular to Oregon alone. Rather, they are representative examples of the problems afflicting rural communities throughout the country.

I believe that Congress should provide substantially increased Federal funding to assist small towns and rural areas in providing adequate water and sewer systems. We owe this to the residents of our small towns and rural areas. If we fail to meet this challenge, we will only have to deal with this neglect in different forms in the future. If we solve this problem, adequate water and sewer systems can provide a stimulus to attract people from the cities back to small towns.

As one example of what happens when young people leave an area, and the average age of the population increases, I quote from a letter referred to twice earlier in statements regarding Rogue River, Oreg.:

> Two thirds of the inhabitants of Rogue River are over age 65 and living on fixed incomes. Five hundred thirty-eight social security checks were mailed to zip code 97537 of which Rogue River is the major part; these checks average $71.46.

This is a good example of the results of young people leaving an area and fixed-income, retired peoples' inability to finance sewer projects and break out of this vicious circle.

Under the bill which I introduced, the authorization ceiling on grants under the FHA for planning and development would be doubled, from $115 million to $230 million. This increase, while doubling the present program, represents a modest step toward solving these problems. The money figure is small, when compared to other money amounts—particularly those we are considering under the miiltary procurement bill we currently are debating.

When I looked at the need across the country in rural areas and small towns, I considered a more extensive program with greater funding. I decided that a more modest increase, working within the framework of an established program, represents a better initial step.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD, to be followed by exhibit 1, referred to earlier.

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

The bill (S. 4265) to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 306(a)(2) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926 (a)(2)), is amended by striking out "$100,000,000" and inserting in lieu thereof "$200,000,000".

(b) Section 306(a)(6) of such Act (7 U.S.C. 1926 (a)(6)) is amended by striking out "$15,000,000" and inserting in lieu thereof "$30,000,000".

EXHIBIT 1

CHAMBER OF COMMERCE,
Yachats, Oreg., July 22, 1970.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: I have just recently read your letter directed to Mayor Dave Freeland and your speech made to the senate in support of the 1971 Agriculture Appropriations Act. Your support of our efforts to obtain necessary funds for financing the building of a sanitary sewer system is appreciated by the Chamber and of all citizens in Yachats.

You gave a very comprehensive picture of the overall need of the small cities in Oregon for adequate sewage disposal facilities. In behalf of the Yachats Chamber of Commerce and all citizens I would like to emphasize what an impossible situation we have here in Yachats by not having Federal assistance to build an adequate sewage treatment facility. As you know we are a city of less than 500 population and you can imagine how impossible it would be to raise adequate funds for this project through local taxes. Without Federal funds we are beat.

In addition to the inconvenience to our citizens and the pollution of the area our business community is suffering. Although we are not trying to promote new industry or commercial businesses, there are several commercial businesses that are sorely needed. For instance, we need a Laundry-Mat or self service laundry and none can locate here due to the fact we have no sanitary sewers. In addition to our local people, we have thousands of tourists staying in our motels who are forced to drive eight miles to a neighboring city in order to find laundry facilities. Lack of such facilities is creating a financial problem for our business people as most of them depend on tourist trade for survival.

With such a public demand for solving our environmental problems and with the announced support for such a program by President Nixon and many Senators and Congressmen it is hard for us here in Yachats to understand why adequate funds have not been made available.

We hope that you will continue your efforts in our behalf and I am sure Mayor Dave Freeland will furnish you with any needed details that you may need to use in your efforts to obtain passage of the 1971 Agriculture Act.

Respectfully yours,
MAX GARDNER, *Secretary.*

CITY OF REDMOND,
Deschutes County, Oreg., July 30, 1970.

Sen. MARK O. HATFIELD,
Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR HATFIELD: I was greatly pleased to receive your July 16, 1970, letter regarding your whole-hearted support of our rural communities in Oregon regarding water and sewage systems. Your Senate speech was most interesting, and I have referred it to our local newspaper, the Redmond Spokesman, in order that our community may realize what you are doing in our behalf.

I concur with your strong statements and your beliefs that federal funding must be increased in order to provide rural Oregon communities with better water and sanitary sewage facilities. I am writing to you as your closing statement was that you wanted to offer any assistance that you could in these areas.

If you will notice in the estimate of major sewage needs in Oregon that was in your Senate speech regarding each city, Redmond was listed with an estimated total cost of $1,500,000. Monday evening, July 27, I met with my Council and our engineers who have finished a preliminary study under the HUD grant for the sewage system for the community of Redmond. Their estimate for our project would be $7 million in total. Bend, Oregon, 15 miles South of us, has an estimate total of $8,500,000.

Our two cities have the same problem of resting on top of a solid lava rock dome. We have a unique situation unlike any other throughout the whole United States. With a total population of 4100, you can readily see that the city of Redmond is facing an impossible task of bonding itself to pay the difference with the small amounts that would come from FHA and other government grants.

I would appreciate you personally looking into our situation and advising as to any relief that would be possible. If you would so desire, I would be most happy to forward to you a copy of our preliminary study from our engineers, CH2M Company of Corvallis, Oregon. Looking forward to hearing from you as soon as possible.

Sincerely yours,

GEROLD M. BARRETT,
Mayor.

CITY OF WINSTON,
Winston, Oreg., July 22, 1970.

Hon. MARK O. HATFIELD,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HATFIELD: We received your letter of July 16, 1970 in which you explained the Amendment to the Agriculture Appropriations Act that you supported.

The City of Winston, having just last year set up a City Administrator form of government, is now in a position of looking for some financial assistance as to its growth problems.

Last January I wrote to the Department of Housing and Urban Development and received notice that a fieldman would be contacting us soon.

On March 25, 1970 we were called upon by their fieldman who was very courteous and had many suggestions pertaining to our area wide problems. He stated that in a few days their man that took care of detail work and gave instructions towards obtaining a program would be down to see us.

To date we have received no further communication.

The City of Winston, in 1957 bonded and put in our present Sewerage collection and secondary treatment facility that was designed for 3500 people. The bonded indebtedness was $265,000.00, which for 2000 people at that time was a pretty good load. Today we have 3 years to go and this paid off. We are now 2600 people and by the time these next 3 years pass we will be staring at an enlargement of our system in the face.

We are currently budgeting money each year for line expansion but obviously we are not able to keep up.

We need a study to be made showing our immediate and future needs. This takes money and we now understand that the 701 and 2 Programs have been sidelined and there are no funds available for this preliminary study work.

Douglas County has just presented us with their County-wide Comprehensive Water and Sewerage Plan that presents figures up to 2 million that our immediate area may spend before 20 years expire.

We are presently in the process of purchasing land to install an advance treatment lagoon system that will help us towards the solution but we need assistance as all small cities do.

Mr. Senator, if there is anything that you might suggest for us to try we would be most willing.

Thank you for your letter and hoping to hear from you again, soon, I remain,

Respectfully yours,

AL R. HOOTEN,
City Administrator.

THE CITY OF CANBY,
Canby, Oreg., July 23, 1970.

Hon. MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: We are in receipt of your letter of July 16 regarding assistance to small cities. We are most certainly in need of financial assistance, principally in the sewer and water expansion fields, at this time.

The City of Canby owns and operates its own water, sewage, street and light distribution system and has operated and expanded the facilities without outside financial assistance except for a $165,000 bond issue in 1965 to construct the initial treatment and trunk sewer system. The population has increased from 2165 in 1960 to present estimated 3829 and we have served the new residences and businesses with no additional finance except a nominal increase in water rates several years ago.

The light department is some $50,000 in the red and although Bonneville Power Administration, from whom we get our power, have not refused to allow a rate increase, they are certainly reluctant to advise or relent to any program that is not in alliance with their low rate policy.

The City water storage and distribution system has been badly in need of expansion and improvements for some time and we have been trying to sell a $440,000 bond issue for that purpose since 1968 without even a bid being received.

We made some additions to our sewage disposal plant five years ago to meet state standards but the ever increasing population and the tightening of state requirements has made the plant inadequate and the State Environmental Quality personnel placed a ban on any further sewer connections, in May of this year, until we have made extensive improvement to the treatment plant. At that time, extensive engineering surveys were being made in both Clackamas and Marion Counties to determine the logical location for one or more regional treatment facilities, but Canby, lying between the two, was not included in either survey. Meetings were held in the Canby Council Chambers, when representatives of both counties, both engineering firms, CRAG and other interested parties were present, to determine where Canby would best fit into the picture. We were assured by all concerned that Canby would be placed on a high priority list for governmental assistance and that we would have no problems in having our requirements processed with a minimum of delay. Our applications were filed with CRAG by June 1st as prescribed.

A detailed story appeared in the Oregon Journal on July 9, 1970 listing the appropriations that had been approved for Oregon Cities and priority standings for other Cities who had made application for federal assistance. Canby was listed as one of the nine lowest towns priority wise. When our engineer contacted the CRAG personnel about this, they were not aware that this situation existed.

We made application to the Farm Home Administration, on their advice, for financial assistance, either by grant or loans, but were advised later that our requests had been denied because we do not represent enough population.

The City of Canby initiated a program last year for the State to improve a secondary highway in Canby which was in a bad state of repair and on which traffic was increasing rapidly due to a new school and a public swimming pool being opened in that area. Ultimately an agreement was signed between the State Highway Department and the City of Canby that the City would be responsible for curbs, sidewalks and storm sewers and that the State would complete the street improvement project. After preliminary engineering had been completed by both agencies, the State added a requirement that the City not only provide the storm sewer system but must construct a storm drain to the Molalla River which would make an additional $20,000 to $30,000 burden on the City. It is quite obvious that the project has not progressed beyond that point.

The economy of Canby has depended greatly in the past few years on housing construction to meet the increase in population. This of course is being limited at present by the sewer connection ban administrated by the State Environmental Control.

The City of Canby has engaged an engineering firm to design an adequate sewage disposal plant and the money is on hand to pay for that service but no construction funds are available without governmental assistance of some type.

Please give Canby's financial condition your immediate attention and rest assured that any assistance that you see fit to give us that is within your realm of control will be most graciously appreciated.

Very truly yours,

LAWRENCE J. HOUSEN,
Mayor.

CITY OF SHERIDAN,
Sheridan, Oreg., July 22, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.:

Thanks very much for your letter of July 16th and copy of your Senate speech as recorded in the Congressional record for Wednesday, July 8, 1970.

I also very much appreciate the interest which you have relative to funding of rural communities under 5,000 population for water and sewage systems as our community is presently facing a very critical situation in both of these areas.

You may recall that in 1953, the City of Sheridan installed an overall sewer system with a primary treatment plant in which the city paid 100% of the cost. At that time, the State Sanitary Commission assured our community that this type of treatment would be satisfactory for meeting their requirements in the future and also would take care of our population needs up to 2,500.

As you know, the rules have been changed and now require that the City of Sheridan install a secondary treatment plant in order to bring our discharge up to the 90% requirement of the State, at a further cost of between $200,000 and $400,000 while we still owe $145,000 plus interest on our present bonded indebtedness which was incurred back in 1953.

Sheridan, as you well know, has one of the highest tax rates of any city in the State of Oregon and this, of course, presents a very pressing financial problem for our city.

The disturbing thing is that although there is 30% allowed by Federal Funds for sewer systems, it appears that when one up-dates their present sewer system, such as adding a secondary treatment plant, which we are required to do and especially when they look toward a lagoon type system where it requires purchase of a large tract of land, that the government matching funds are not applicable to many of these expenses, as these items are not eligible. So, in reality, an installation of our's which may cost from $200,000 to $400,000 may end up with little or no matching funds. I believe that up-grading of the present sewer plants are just as important as the installation of the primary plant and should have the same consideration of eligibility of funds from the Federal and State government.

In addition to our sewer problem we also

have problems with our present water system and are in need of developing additional sources of water at our springs and also enlarging some of our transmission pipe line to the city from 6'' to 8'' as well as providing more storage in the city limits. This again will require a large investment and increasing debt servicing for the people of our community and when taking these requirements, along with the regular police, fire, sanitary, library, streets and other needs of the average community, it makes our task look almost hopeless.

These basic needs of people are certainly paramount and to me, have much higher priorities than many of the funds presently being met by our Federal Government. I sincerely hope that your efforts will see that proper relief is afforded to these communities so that the presssing needs of our day to day living can be resolved in an economical, feasible manner.

The City Council and myself will be watching congress to see what is being done to solve these vital problems and appreciate your continued interest in the small rural areas which are the real backbone of America today.

Sincerely yours,

J. A. HEBERT,
Mayor.

CITY OF FALLS CITY,
Falls City, Oreg., July 27, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Your letter of July 16, 1970, in which you describe the action you are taking to help smaller communities in Oregon with sewer and water problems.

I'm sure you are in a position to realize the sewer problem facing cities as poor as our little town. Falls City is looking forward to the park and recreation plans that are contemplated for this area, and with this development comes the task of preparing for growth in population.

In the last few years Falls City has come a long way in restoring an antiquated water system. This is not finished but complete enough to control our source and good service. However, the plans for a recreation developemnt have been discussed and there is a real demand for property here, and several investors with money to spend wish to build here, but always run into the same problem—no sewer.

I have written several inquiries about sewer study—we would like this part without cost if possible, and the possibility of some kind of grant to help with the cost of installation after a study is completed. To date we haven't had anything too hopeful. I have contacted HUD and Farmers Home Administration. Perhaps you can suggest another avenue.

Any help you can direct in our way will surely be appreciated. We have a planning committee, and hope to make this little town something for Polk County to be proud of, and at the same time it will improve our tax structure.

Very truly yours,

FAY WILSON,
Recorder.

CITY OF ELGIN,
Elgin, Oreg., July 22, 1970.

Hon. MARK O. HATFIELD,
U.S. Senator,
Washington, D.C.

DEAR MR. HATFIELD: We received your letter of July 16, 1970, concerning grants for water and sewer facilities.

The City of Elgin has a population of 1,400. We have an up to date sewer system which was completed five years ago. We have an adequate supply of water consisting of three wells.

The great problem we have is in the distribution lines of our water system in getting ample water to the different areas of the City. Eighty per cent of the mains are of wooden pipe, installed years ago. Many of the lines are too small.

The City had a water system survey completed of our water system two years ago, and this brought out the many problems of the system.

If your office could be of any assistance in acquiring a grant or such for improving our water distribution system it would be greatly appreciated.

Respectfully yours,

RONALD D. SCOUBES,
City Recorder.

S. 4266—INTRODUCTION OF A BILL TO PROVIDE REDUCED FARES FOR SENIOR CITIZENS ON THE AIRLINES

Mr. MOSS. Mr. President, on behalf of myself and Senators BIBLE, CANNON, CHURCH, CRANSTON, EAGLETON, FONG, GRAVEL, HOLLINGS, HUGHES, METCALF, MONDALE, MONTOYA, PELL, SMITH of Illinois, THURMOND, TYDINGS, WILLIAMS of New Jersey, and YARBOROUGH, I introduce, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 in order to authorize reduced-rate transportation on the airlines to individuals 65 years of age or older.

In America we pride ourselves on our concern for our senior citizens. Social security and medicare represent society's efforts to provide for their retirement years. But medicare only covers 45 percent of their medical needs and social security, the only source of income for more than 50 percent of our seniors, continues to be woefully inadequate. Some 5 million out of our 20 million live below the poverty line; thousands try to live on less than $100 a month.

Unfortunately, far too many of our elderly are not only poor economically, but socially and psychologically. Low incomes mean that they must make choices between food or medicine, clothes, transportation, or recreation. This turns many into recluses with little contact or contribution to society. The inevitable result is that millions of our elderly suffer from a kind of a poverty of the spirit.

There is an easy solution to these problems: we need only put the floor of economic decency under these citizens, thus giving our seniors an increased share in American abundance.

The Congress is trying in its piecemeal fashion to take care of the economic needs of our elderly by proposing increases in social security payments. Unfortunately, these increases do little more than make up for the losses that seniors experience as the cost-of-living index skyrockets upward.

So often we hear it said that the Government is mindful of the needs of seniors and that much more would be done except that these are troubled times. We have also heard administration spokesmen tell us that when the Vietnam war is finally ended that we should not look for a cut of the Defense budget and a reallocation of dollars to our domestic needs.

All of this leads to cynicism, but it is not out of cynicism but out of hope that I called last year for a program of rewards and incentives. I believe that the struggle to survive should rest with the youth and that those who have toiled long and hard for the society in youth deserve our thanks and recognition when they retire.

As an example of what I mean, I have called for a program of reduced fares for senior citizens on buses and subways. There are now some 35 major cities that allow their seniors to ride during off peak hours for about a dime. Many theaters have picked up the example and offer tickets at a discount.

It is my hope that the principle will be extended to prescriptions and other products in drugstores and that banks will give thought to providing free services; restaurants too could give discounts outside regular meal hours. Hopefully barber and beauty ships could give special prices on days when business is slow.

All of this we could do voluntarily for there is no deficit in the national resources, there is only a deficit in the national will.

In this spirit I wrote to the presidents of each of the major airlines asking that they consider instituting a program of reduced fares for seniors on the airlines. I pointed out that the standby principle would not be applicable to seniors who could ill afford standing in wait in airline terminals. My suggestion was for a direct discount up to 50 percent and a confirmed reservation for seniors during the middle of the week.

The letters from the airline presidents that I received were very cordial all giving technical reasons why they could not institute reduced fares for seniors on their own. In fact, three airlines have tried to institue such fares only to withdraw upon the suggestion from the Civil Aeronautics Board that such fares might be discriminatory.

Upon learning these facts, I decided to introduce this bill which would give legislative authority for the airlines to institute a program of reduced fares for those over 65 on the airlines.

A few facts, I am sure would be helpful at this point. There are two major categories of airlines at present, trunklines such as United and American which fly cross country and local service carriers such as Allegheny, Mohawk, and Frontier which serve particular parts of the country on short hauls.

Trunk airlines had an average load factor of 50 percent in 1969 meaning that last year the planes of United and TWA were only half full or half empty depending upon how you look at it.

Local service carriers had an average load factor of 43 percent last year. The best performer in this category was Mohawk with a load factor of 47 so that its planes were in effect 53 percent empty. Air West had a load factor of 39 percent—its planes were 61 percent empty in 1969.

An additional fact is that these local service carriers currently receive operating subsidies from the Federal Government. Last year the nine local service carriers received $36 million in subsidies from the Government. Air West for example received $8.7 million or about 13 percent of its total of $74 million in operating revenues from the Government.

Allegheny received $3.2 million in subsidy last year for 2.5 percent of its total of $120 million in operating revenues.

It is my hope that a program of promotional fares for senior citizens would be just the solution for these problems. Senior citizens are precisely the group that can take advantage of those empty seats during the middle of the week. Needless to say increased volume of passengers and more efficient utilization of our resources would be in the interest of all parties concerned.

The increased volume of passengers would be particularly helpful to our local service carriers. The increased revenues that they would take in would make it possible to reduce the $36 million subsidy that the Government paid out last year to underwrite these carriers.

I believe that airlines should provide seats to seniors on a confirmed reservation basis at 50 percent of full fare Monday through Thursday.

Senior citizens feel that they are just as entitled to reduced fares as our teenagers who presently enjoy travel at youth fare and standby rates.

I know that there are a great many of our senior citizens who have waited all their lives to travel and cannot afford it now. There is also the therapeutic effect of travel to consider; whether it is just getting away or to visit with loved ones.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point statistics showing the net income of the subsidized airlines over the last 5 years as well as of load factor computations in addition to several letters written by constituents and others vitally interested in a program of reduced fares for senior citizens on the airlines.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and appropriately referred; and, without objection, the statistics, computations, and letters will be printed in the RECORD.

The bill (S. 4266) to amend the Federal Aviation Act of 1958 in order to authorize certain reduced-rate transportation to individuals who are 65 years of age or older, introduced by Mr. Moss, for himself and other Senators, was received, read twice by its title and referred to the Committee on Commerce.

The material presented by Mr. Moss is as follows:

SUBSIDIZED AIRLINES—NET INCOME AFTER SPECIAL ITEMS CALENDAR YEARS 1965 THROUGH 1969

[In thousands]

	1965	1966	1967	1968	1969
Local service carriers:					
Air West (Pacific)	$700	$151	−$3,716	−$10,319	−$18,884
Allegheny	1,417	1,248	−516	−2,430	−6,224
Bonanza	843	862	530	(1)	(1)
Central	−187	405	93	(2)	(2)
Frontier	1,313	1,790	−121	−6,811	−12,214
Lake Central	344	−63	−4,248	−2,394	
Mohawk	2,645	1,243	−274	−4,360	−4,617
North Central	$,139	$1,155	$1,520	$70	−$2,312
Ozark	546	904	1,342	−650	−3,707
Piedmont	1,704	807	1,856	−166	−1,844
Southern	938	860	−159	−332	−844
Trans-Texas	595	991	−378	−1,483	−4,967
West Coast	716	836	−400	(1)	(1)
Total	22,722	11,190	−4,472	−28,875	−55,613

[1] See Air West.
[2] See Frontier.

PASSENGER LOAD FACTORS, CALENDAR YEARS 1965 THROUGH 1969

[In percent]

	1965	1966	1967	1968	1969
Nonsubsidized carriers, domestic trunks:					
American	58.8	63.2	59.9	55.7	52.7
Eastern	56.2	58.8	58.7	55.0	50.6
Trans World	53.7	53.5	54.8	49.5	48.4
United	53.8	56.7	58.4	53.5	51.3
Braniff	54.7	58.3	51.2	53.5	48.5
Continental	48.3	55.3	48.0	47.7	49.9
Delta	58.6	66.0	61.7	58.8	52.6
National	52.5	52.5	53.1	46.6	43.5
Northeast	(1)	(1)	(1)	46.3	43.1
Northwest	53.4	55.1	55.3	51.8	46.6
Western	56.0	61.1	56.9	54.3	46.4
Total	55.2	58.5	57.2	53.0	49.9
Subsidized carriers, local service:					
Air West (Pacific)	53.0	51.1	44.8	42.4	39.3
Allegheny	43.1	49.4	46.1	44.3	41.8
Bonanza	55.1	54.5	53.5	50.1	
Central	39.9	45.9	46.6		
Frontier	39.9	44.2	42.2	44.0	44.8
Lake Central	43.0	45.2	34.8	38.3	
Mohawk	53.4	53.8	50.0	45.7	47.2
North Central	46.4	48.1	45.7	39.6	39.3
Ozark	53.6	52.2	46.5	47.5	45.7
Piedmont	55.0	58.7	53.3	51.0	46.6
Southern	43.2	48.6	45.9	45.8	42.4
Trans-Texas	41.1	46.9	45.7	46.9	41.4
West Coast	47.2	50.8	44.2	44.9	
Total	47.3	50.2	46.4	45.2	42.9

[1] On subsidy, through Dec. 31, 1967.

CLEARFIELD, UTAH,
January 26, 1970.

Hon. FRANK E. MOSS,
Old Senate Office Building,
U.S. Senate,
Washington, D.C.

DEAR SIR: *Those who know* of your arguments for legislation that retired persons be given reduced air rates all hope to see a unanimous approval!

Were I not a member of N.A.R.C.E. I would not have known of it. I doubt that our Deseret News published anything about this action of proposal by *you*! The brief information appearing in the January issue of *Retirement Life* was most pleasant, and being discussed at our chapter meeting Our summation: give us four mid-week half-fare travel days and the planes will not be flying with the seats half empty.

Sincerely and best wishes,

FRED W. BANZ.

BRIGHAM CITY, UTAH,
January 23, 1970.

Hon. FRANK E. MOSS,
Old Senate Office Building,
U.S. Senate,
Washington, D.C.

DEAR MR. MOSS: I read with interest your efforts to secure reduced rates for air travel for elderly persons. I am a retired teacher. My children live in Las Vegas and Concord, California. It would be a distinct advantage to me to have the benefits of your proposal. My wife and I wish you success in your efforts.

Yours sincerely,

W. H. GRIFFITHS.

SALT LAKE CITY, UTAH,
January 31, 1970.

Hon. FRANK E. MOSS,
Old Senate Office Building,
U.S. Senate,
Washington, D.C.

DEAR SIR: We wish to thank you for all the help you've given in legislation for retired persons.

Anything you can do in the future will be greatly appreciated. We urge you to continue your fight to obtain reduced air fares for elderly persons. Thank you.

Sincerely,

LAMMOND AND IRENE MILLS.

LONG ISLAND CITY, N.Y.,
January 20, 1970.

DEAR SENATOR MOSS: Thank you for your fight to get reduced air fares for elderly people. I can see no good reason why retired people can't get preferential rates where they travel during those periods when aircraft travel with empty seats.

Keep up the good work. It's good that someone does more than make speeches about the "Golden Age."

Sincerely,

LEO SUMMER.

READING, PA.,
January 16, 1970.

Hon. FRANK E. MOSS.

DEAR SENATOR: I wish to thank you personally for the interest and effort on your behalf to have the Airlines give reduced fares to the elderly, aging and retirees. Inasmuch as the young are given reduced fares to travel during offpeak periods I can see no really good reason why the senior citizen should not enjoy these same privileges also. Fact of the matter is when all is considered it seems the elderly are in need of these reduced fares even more so because of physical, medical, and other problems which afflicts many of them; additionally because of fixed income and limited financial resources. What part can I play in this effort to effect such a reduction favoring these deserving citizens?

Most sincerely,

PAUL L. CLAUSER.

DENVER, COLO.,
March 3, 1970.

Hon. FRANK E. MOSS.
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: I wish to endorse reduced air travel for elderly persons, this is the only way we can visit our loved ones now that most trains are gone. Most of us are not physically able to ride busses with their long lay-overs.

Thank you for your interest in our behalf.

Sincerely,

MARGARET A. BROWN.

RIVERSIDE, CALIF.,
January 30, 1970.

Hon. FRANK E. MOSS,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: As a member of the National Association of Retired Civil Employees (N.A.R.C.E.) I want to express my appreciation for your efforts you made for legislation that would give retired persons reduced air fares.

Due to the age of the average retired person travel by common carrier, rather than personal automobile, is more common. Also, with a fixed income and the steadily growing high cost of living every possible saving is important.

Respectfully,

WILLIAM S. WHEELER.

WICHITA FALLS, TEX.

Hon. FRANK E. MOSS,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: A recent article in Retirement Life stated that you are trying to get the public transportation systems (especially airlines) to give reduced fares to the older citizens of our country.

Wichita Falls no longer has railroad service, so air service is our only way to distant points.

I am retired from Depart. of Defense with visual problems and really appreciate your efforts.

Very truly,

Miss JANET CLAY.

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 South Carolina (Mr. HOLLINGS) be added as a cosponsor to 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. ALLEN). Without objection, it is so ordered.

S. 4015

Mr. MURPHY. Mr. President, on June 23, I introduced legislation that would fill what is widely regarded as a most serious gap in the benefits available to career military personnel. S. 4015 would institute a system of survivor's benefits available to military retirees, enabling them to provide for the financial security of their survivors after they themselves pass away.

The measure is directed at correcting a blatant disparity that singles out the uniformed serviceman, from among all Federal employees, as ineligible for a survivor annuity plan in which the Federal Government participates. S. 4015, like measures being considered by the House, would institute an annuity program identical to the civil service annuity program.

Seventeen Senators have asked that their names be added as cosponsors of this widow's equity measure.

Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Alabama (Mr. ALLEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. SMITH), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. MONTOYA), the Senator from New York (Mr. JAVITS), the Senator from Washington (Mr. JACKSON), the Senator from Arizona (Mr. GOLDWATER), the Senator from New Jersey (Mr. CASE), the Senator from Texas (Mr. TOWER), the Senator from Wyoming (Mr. HANSEN), the Senator from Alaska (Mr. GRAVEL), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. BENNETT), and the Senator from Montana (Mr. METCALF), be added as cosponsors of S. 4015, which would establish an equitable survivor benefits program for retired military personnel.

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

Mr. MURPHY. Mr. President, I am very happy to ask to have added, as a starter at the last moment, the name of the Senator from Oregon (Mr. HATFIELD).

I also ask unanimous consent to have the names of the Senator from Kansas (Mr. DOLE), and the Senator from Arizona (Mr. FANNIN) as cosponsors.

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

S. 4179

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at the next printing, the names of the Senator from Alaska (Mr. GRAVEL) and the Senator from Washington (Mr. JACKSON) be added as cosponsors of S. 4179, to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes.

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

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 225

Mr. GURNEY. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. FANNIN), the Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of Senate Joint Resolution 225, authorizing and requesting the President to proclaim October 25–31 Law Officers Appreciation Week.

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

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 80

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BOGGS), the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Arizona (Mr. FANNIN), the Senator from Tennessee (Mr. GORE), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of Senate Concurrent Resolution 80, to establish a joint committee to investigate the treatment of prisoners of war in Vietnam.

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

SENATE RESOLUTION 450—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATING TO INTERVENTION IN CZECHOSLOVAKIA IN 1968

SOVIET DAY OF SHAME

Mr. HRUSKA. Mr. President, today I am submitting a resolution which expresses the sense of the Senate with respect to the Soviet Union and those states which participated in the occupation of Czechoslovakia. In this resolution we express our support for the Czechoslovakian people as they commemorate August 21, 1970, as the "Soviet Day of Shame" and as they strive to achieve the withdrawal of Russian troops from Czechoslovakia. The resolution also calls upon the President, acting through the United Nations and other international organizations, to take such additional steps as may be necessary to end as quickly as possible the continuing intervention in Czechoslovakia by the Soviet Union.

Two years ago, following the invasion of Czechoslovakia, I spoke in the Chamber of a test of courage of the Czech and Slovak people.

I stated that:

The first eight months of 1968 produced

one of the greatest tests of courage in this century. January saw the first halting step of a small country toward the goal of freedom. As the months passed, Czechoslovakia moved a little closer to its goal, and each month the Soviet Union became more threatening. The test of courage for the Czechs and Slovaks was whether, in the name of human dignity, they could stand face to face with an overpowering foe. The test of courage for totalitarian Russia was whether it dared allow one small country even a taste of freedom. Czechoslovakia won that test of courage.

On August 21, 1968, the Russians were forced to ruthlessly halt the mellowing of Communist Party rule of Czechoslovakia by use of military might. During the spring of 1968, the entire nation, without violence, united behind new, young leaders, rose in protest against the inhuman Stalinist regime. They began to expose and correct the blunders of the Russian regime.

The Kremlin felt that to allow this satellite freedom of expression might seriously threaten the Soviet system. Therefore, armed forces were rushed in to crush the modest reform of Alexander Dubcek's Communist government. At that time the conduct of the Czechoslovak people exemplified the courage they have shown at many other times in their history. The Czechoslovak peoples showed great courage in 1937 when, after the death of the great leader, Thomas Masaryk, Hitler's storm troopers occupied the land. Also after the war, even though Communist domination stifled Czechoslovak aspiration for a return to democracy, they still demonstrated a courage and quest for freedom that finally arose as a new spirit in the early part of 1968. However, their courageous resistance was suppressed by the roar of Russian tanks speeding into this small country.

The continued Soviet occupation of Czechoslovakia is a crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order; one that did not endanger anyone, and sought to contribute to the building of bridges of understanding across the discords of an ideologically divided world while lending aid to better understanding and cooperation among all nations on the basis of true progress and humanity.

The Czechoslovak people, however, are not resigning themselves to these aggressive plans of Moscow. They resisted, and continue to resist and reject Moscow's claim to a right to intervene in the leadership of the state; they deny Soviet Russia the right to determine who should govern their country or represent it in foreign relations. August 21, in Czechoslovakia, is being commemorated as the "Soviet Day of Shame." And those of us here in the United States, who are joining our friends in Czechoslovakia, urge the whole civilized world to support their effort to achieve the withdrawal of Soviet troops from Czechoslovakia.

It is my hope that by voicing strong criticism and outrage against the tyrannies of the Soviet Government imposed upon the people of Czechoslovakia, we can help these courageous people to sustain the weight of tyranny until a day again comes when they will free themselves from the bonds of oppression.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The resolution will be received and appropriately referred.

The resolution (S. Res. 450), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 450

Whereas the intervention in Czechoslovakia by the military forces of the Soviet Union, in 1968, contravened the independence of sovereign states and the Wilsonian doctrine of self-determination; and

Whereas such intervention is in violation of the United Nations charter which states that "All Members shall refrain in their international relations from the threat or use of force against the territorial sovereignty or political independence of any states"; and

Whereas such intervention is further evidence of the perpetuation of colonialism as practiced by the Soviet Union; and

Whereas the agreement in Moscow between representatives of Czechoslovakia and the Soviet Union was reached under duress; and

Whereas the continued occupation of Czechoslovakia by the Soviet Union is another crime against the rights of the free people of a small country to determine their own destiny and aspirations; and

Whereas the people of Czechoslovakia are not resigned to the oppressive plans of the Soviet Union, and continue to resist and reject Soviet domination: Now, therefore, be it Resolved by the Senate, That it is the sense of the Senate that, the President should express support for the people of Czechoslovakia (as they commemorate August 21, 1970 as the "Soviet Day of Shame") in their efforts to achieve the withdrawal of the troops of the Soviet Union from Czechoslovakia.

SEC. 2. It is further the sense of the Congress that the President, acting through the United Nations and other international organizations, should take such additional steps as may be necessary to end as quickly as possible the continuing intervention in Czechoslovakia by the Soviet Union.

EXTENSION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED—AMENDMENT

AMENDMENT NO. 846

Mr. SMITH of Illinois (for himself and Mr. WILLIAMS of Delaware) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—AMENDMENT

AMENDMENT NO. 847

Mr. STEVENS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 848

Mr. STEVENS. Mr. President, I ask unanimous consent that I may submit an amendment, intended to be proposed by me, to the amendment intended to be proposed by the Senator from Oregon (Mr. HATFIELD) (No 844) to House bill 17123, and have it printed and lie on the table.

The PRESIDING OFFICER (Mr. COOK). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 849

Mr. MURPHY. Mr. President, as the author of the Senate bill establishing a survivor annuity program for military retirees, I am submitting for myself and the Senator from Arizona (Mr. GOLDWATER) an amendment which would place the Senate on record in support of a program that is most needed in formulating a benefit structure that could give rise to a voluntary military.

Our amendment makes it the sense of the Congress that the Nation should establish as soon as possible an equitable survivor annuity program for military retirees comparable to the program provided for civilian Government employees under the civil service retirement system. At present, the uniformed serviceman is the only employee of the Federal Government who, having served his country long and well, retires on a pension, succumbs, and leaves his widow and children without any portion of the pension he earned through reduced pay during active duty.

Justice demands that this situation be promptly corrected.

Moreover, the need of the fine women who in many cases are left destitute by this strange set of circumstances requires that this situation be put right.

Finally a realistic analysis of the benefit structure needed to make a voluntary military achievable demonstrates the need to proceed forthwith to change this situation.

Most Americans, I believe, are well aware that a member of the Armed Forces retired from active duty receives retired pay as long as he lives. However, it is not so widely known that no part of his military retirement income passes automatically to his survivors when he dies. Every other employee of the Government is assured that 55 percent of his retirement pay will pass to his dependents automatically unless he refuses to participate in an annuity program.

Mr. MURPHY. Mr. President, since that time, the Congress has moved to correst this flaw in the system of benefits for military personnel. Chairman L. MENDEL RIVERS has designated a Special

Subcommittee on Survivor Benefits which has concluded 2 weeks of open hearings which reveal, I think, the consequences of past inaction in an area that is quite clearly one of compelling human need.

The subcommittee heard the widow of Rear Adm. Miles L. Browning, Chief of Staff to Admiral Bull Halsey during World War II. Mrs. Browning has received only $74 a month income from a Veterans' Administration pension—the pension available to the widow of any man who has ever served in uniform. Mrs. Browning was reluctant to describe the full extent of the adversity she has encountered.

Yet over and over again, as the subcommittee heard six other widows, the story of hardship and privation was repeated. The question that will not be avoided is this: Can we, in good conscience, perpetuate an inequity of such brutal consequences? I say we cannot and must not. We must not for those who are being widowed while we deliberate over such a proposal—for our inaction compounds their tragedy. We should not if we are to give a voluntary army the fair chance proposed by amendment No. 844.

On June 23, I introduced legislation in the Senate that would establish an equivalent of the civil service survivors annuity program for uniformed servicemen. I ask unanimous consent that my remarks upon the introduction of S. 4015 be printed at this point in the RECORD.

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

S. 4015—INTRODUCTION OF A BILL PROVIDING EQUITY FOR WIDOWS OF CAREER SERVICEMEN

Mr. MURPHY. Mr. President, I am introducing a bill which would create a fair and equitable system for providing economic security to the surviving dependents of career members of the uniformed services. This bill would provide the surviving dependents of the retired members of the uniformed services with the benefits that are now provided for the survivors of civilian employees of the Federal Government.

Many Americans would, I believe, be surprised to learn that the widow of a man who has retired from a career of service to his country does not continue to receive a portion of her husband's pension after his death. In order to qualify for the meager benefits provided by the Veterans' Administration, the surviving dependent must be able to meet a needs test—unless the death of the service member was due to a service-connected disability. This widow's pension—ranging from $17 to $74 per month—is available to the dependents of any veteran, whether he served 20 years or 90 days. No special provision is made for the dependents of our career servicemen.

The bill I have introduced would provide that whenever a retired member of the uniformed services dies, his wife and children, or if he is unmarried, a designated person who has an "insurable interest," would be granted an immediate annuity. This annuity for the surviving wife would be 55 percent of the retired pay the former member had received when he was alive, while each child, under 18, or under 23 and attending school, or over 18 and disabled would receive an additional amount depending on the number of children in the family and the amount of the member's retired pay.

The cost of paying this survivor's annuity would be paid for, like the similar annuity for survivors of civilian employees, by reducing the retired pay received by the member while he is alive. This reduction would be made under the same formula used for civilian employees; that is, the retired pay of the member would be reduced by 2½ percent of the first $3,600 and by 10 percent of everything above $3,600. This reduction would be automatic in the case of a person who was married at the time he qualified for retired pay, unless he states in writing that he does not wish to provide a survivor annuity for his wife or that he wishes her survivor's annuity to be based on only a part of his retired pay.

There is much discussion, Mr. President, of proposals to eliminate conscription in favor of "all volunteer" Armed Forces. President Nixon has committed his administration to this goal. As a member of the Armed Services Committee, I have carefully studied the matter and have made known my support for this concept. In the past, I have supported the enactment of every measure voted by the Senate to increase the compensation of men and women in uniform. I will continue to do so. This is because I feel that the excellence of the job they do is, in no small way, responsible for the freedom and prosperity our Nation enjoys. Should they not then share fully in the way of life—they unswervingly defend?

If the "all volunteer" Armed Forces are to become reality we must take the additional steps necessary to attract and retain sufficient numbers of qualified personnel to meet our defense requirements. Our efforts to achieve "comparability" of remuneration for our military with their civilian counterparts are not yet equal to this task. In fact, in the "Study of Military Compensation of 1964," the Defense Department noted:

"The evidence is conclusive that the military fringe benefits trends are running counter to private industry trends, with the net result that the military man is rapidly losing ground to this civilian counterpart in this significant part of the compensation package.

"Reductions in benefits are effectively reductions in pay. The study group is of the opinion that positive measures are necessary to arrest this trend . . ."

The U.S. Veterans Advisory Commission in a report dated March 18, 1968, stated:

"The Government now contributes to survivors' benefits programs for Civil Service employees and to railroad workers. In good conscience and equity, the Commission feels the nation cannot deny such support to members of the Armed Services.

"Therefore, the Commission recommends that a request be made to the Secretary of Defense to initiate and support the establishment of a federally financed survivors' benefits program as an adjunct of the present servicemen's retirement program."

I am sure that every American man wants to assure that his wife will be provided for after his passing; but if he elects a military career he soon learns that although he endures the reduced income that is his contribution to his retirement pay, his wife cannot collect one penny of his pension after his death.

As we make progress toward correcting the imbalance in actual pay between civilian Federal employees and servicemen, so must we also eliminate the manifestly inequitous arrangement in their respective death benefits. Delay in enacting this measure will not only penalize those noble women who have shared the hardships of their husbands' military career; it will undermine our efforts to build the all-volunteer Armed Forces.

The Congress has not been blind to the military man's need to assure that his family is provided for. In 1953, there was enacted a program which allowed military retirees to contribute to a survivor annuity plan. Seventeen years and seven amendments later, the adequacy of this effort is best described by the fact that only 15 percent of those eligible to participate in it do so.

Because the employer—The U.S. Government—does not contribute a cent to this so-called "Retired Serviceman's Family Protection Plan." it is prohibitively expensive for the employee—the serviceman—to do so.

I ask unanimous consent that two figures illustrating cost data of the RSFPP appear at this point in the RECORD. These charts demonstrate that the military retiree pays 2.5 to 5 times as much as the civil service retiree for the same survivor annuity.

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

"TABLE I.—COMPARISON OF COSTS OF RETIRED PERSONNEL SURVIVOR ANNUITY PLANS—MILITARY VERSUS CIVIL SERVICE

Grade	Years of service	Age at retirement	Survivors annuity payable (monthly)	Military deductions (options 1 and 4 at ½)	Civil service deduction for the same annuity
Staff sergeant	20	40	$86.42	$12.71	$3.93
Technical sergeant	24	44	120.75	20.94	5.49
Master sergeant	30	50	201.88	43.77	14.21
Do	30	60	195.15	57.24	12.98
Do	30	65	191.46	64.62	12.31
Major	24	46	256.96	48.23	24.22
Lieutenant colonel	26	48	330.65	66.84	37.62
Colonel	30	52	461.42	107.00	61.40
Do	30	60	449.06	131.72	69.15
Do	30	65	440.56	148.71	57.60
Major general	30	54	600.09	148.03	86.61
General	30	56	749.23	196.25	113.76
Do	30	60	738.98	216.75	112.82

"TABLE II.—COMPARATIVE COSTS OF CENTS PER DOLLAR OF COVERAGE

Annual annuity	Dollars cost per year		Cents per dollars of coverage	
	RSFPP	Civil service	RSFPP	Civil service
Man 55, wife 53:				
10,000	3,764	1,548	37.6	15.5
8,000	2,521	1,185	37.6	14.8
6,000	1,890	821	37.6	13.7
4,000	1,260	457	37.6	11.4
2,000	630	94	37.6	4.7
1,000	315	45	37.6	4.5
Man 60, wife 58:				
10,000	3,764	1,548	37.6	15.5
8,000	3,011	1,185	37.6	14.8
6,000	2,258	821	37.6	13.7
4,000	1,505	457	37.6	11.4
2,000	753	94	37.6	4.7
1,000	376	45	37.6	4.5

Mr. MURPHY. Mr. President, in addition to the high cost of the RSFPP program—which falls hardest upon the enlisted man—the

complexity of its provisions offers another reason that servicemen have rejected it by nearly the same overwhelming margin as their fellow Government employees have accepted their annuity program.

The measure I propose today is essentially identical to the program that governs the survivor annuities for the civil service employee. It is simple, and avoids the complexity that hobbles RSFPP. It is comparable in cost to the participant. It is manifestly needed. I believe it would result in a participation rate equal to that of the civilian annuity program—better than 90 percent.

My friend and fellow Californian, our distinguished colleague of the other body, the Honorable CHARLES GUBSER, has introduced H.R. 6226 and leads this effort in the House. I join him and ask my Senate colleagues to join me, in committee, and on the floor, in working for passage of this bill to provide equal and equitable annuities for widows of career servicemen. Clearly, the time is past to put an end to the injustice of a situation in which the widow of one Federal employee is entitled to an annuity as a matter of right, while another is denied, any portion of her husband's retirement pay and must show need for a pittance that could maintain her only at a subsistence level.

The PRESIDING OFFICER (Mr. SPONG). The bill will be received and appropriately referred.

The bill (S. 4015) to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. MURPHY. Mr. President, I have previously cited the "Study of Military Compensation of 1964" which noted that military nonsalary remunerations were running contrary to the proliferation of generous fringe benefits being made available in the private sector. The amendment—No. 765—proposed by Senator HATFIELD recognizes the need for general upgrading in the compensation package of uniformed personnel. It provides specific increases in salary and analysis and recommendations of other inducements to career military service.

As presently written it assigns no priority to the very serious survivor's benefits problem.

Representative CHARLES GUBSER, whose expertise in these matters is recognized by his colleagues on both sides of the Hill, has been an important figure in the efforts to bring this matter to the attention of the Congress. The distinguished Congressman observed, at the opening of the hearings, "I will say that I do not think there is any hope whatsoever of achieving an all-voluntary military service until the time arrives when we can make a career out of the military service in every sense of the word. And certainly one of the first steps that we must take if we are going to make this an attractive career to our young men and our young women is to provide a survivorship benefit program equal to what is given the civil service."

While thoughts of retirement and death are not usually on the minds of young men and women, we older Americans realize the importance that these considerations will assume in later years. We must assure that our military personnel have available a vehicle through which they can participate in assuring the financial security of their spouses in later years. This is why I feel that an adequate and fair survivor annuity program must be a central feature of the expanded benefits program which we hope will attract careerists to the service of our Nation. I urge the adoption of the "widow's equity" amendment to the "voluntary military" amendment.

The PRESIDING OFFICER (Mr. ALLOTT). The amendment will be received and printed, and will lie on the table.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 838 TO H.R. 17123

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New York (Mr. GOODELL), I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. EAGLETON) be added as a cosponsor of amendment No. 838 to H.R. 17123, the military procurement authorization bill.

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

AMENDMENT NO. 844 TO H.R. 17123

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of amendment No. 844 to H.R. 17123, the Military Procurement Authorization Act.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Florida (Mr. GURNEY) and the Senator from Kentucky (Mr. COOK) be added as cosponsors of amendment No. 844 to H.R. 17123, the military procurement authorization bill.

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

NOTICE OF HEARINGS ON SPANISH BASE AGREEMENT

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations will hold a public hearing at 11 a.m., August 26 in Room 4221, on the Spanish base agreement with administration witnesses. Prior to the public session, the committee will meet in executive session to discuss with representatives of the administration those parts of the agreement and the background of it they wish to keep secret and the reasons for that secrecy.

The purpose of the hearing is to explore in public the background, purpose, meaning, and implications of the 5-year agreement both for Spain and the United States.

ADDITIONAL STATEMENTS OF SENATORS

THE 50TH ANNIVERSARY OF FEDERAL AVIATION ADMINISTRATION'S FLIGHT SERVICE STATIONS

Mr. CANNON. Mr. President, August 20, 1970, is a significant milestone in our Nation's aviation system. It marks the 50th anniversary of the Federal Aviation Administration's flight service stations. These stations not only play a vital role in today's air transportation system, but throughout a half century of operations they have had a direct hand in the development and advancement of aviation communications, navigation, and flying safety.

Originally known as airmail radio stations, they were the outgrowth of pioneering efforts by the Post Office Department to establish a transcontinental air system from New York to San Francisco.

On August 20, 1920, the Postmaster General authorized the establishment of airmail radio stations along the transcontinental route to provide communication between the landing fields in the system. Of the original 17 stations established, only four have remained in continuous service for their entire 50-year history. They are Salt Lake City, Utah; Rock Springs, Wyo.; Washington, D.C.; and I am proud to say, Elko, Nev.

Not too long ago, I had the pleasure of being in the station at Elko with its present chief, Harold Griffin. There have been many changes since the early days when that flight service station was a one-man operation.

About the only qualification in those days was to be able to send and receive 30 words of code per minute. Most of the men were Navy veterans of World War I, and they quickly learned to improvise to keep on the air.

In any event, it was from these small beginnings that our flight service station system has evolved to a station network covering all 50 States and reaching out to Pago Pago, Wake Island, and Guam in the Pacific, and to Panama and the Caribbean.

As one of 700,000 pilots who use and appreciate their services, I commend and offer tribute to the Federal Aviation Administration's flight service stations for the role they have played in aviation and especially to the dedicated public servants, the 4,600 air traffic controllers who staff the network of 340 flight stations. They have well earned our gratitude.

I ask unanimous consent that the article entitled "First 50 Years of FSS," published in the August 1970 issue of the Pilot, be printed in the RECORD.

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

FIRST 50 YEARS OF FSS

(By Don Downie)

"Elko Radio, this is One Four Nine, VFR Reno to Elko, five west. Close us out, and landing advisory please."

"One Four Nine, this is Elko Radio. Flight plan closes at zero seven. Designated Runway 23. Wind light and variable. Altimeter 30.07. No reported traffic."

One Four Nine skims across town on final, touches down on a field that has been an active airport for 50 years, and taxis up to the line. Everything is pretty much routine. The new "low profile" air/ground console at Elko FSS permits the specialists to handle communications and still keep an eye out the window to give factual airport advisories.

Back in 1920, when Elko, Nev., was one of the first key stations on the transcontinental air mail service, things would have been

slightly different. A surplus arc radio telegraph would have sent a message to Salt Lake City, stating briefly, "Smith No. 249 arrived 4:10," and signed by the field manager. In the case of Elko, normally only a refueling stop, it would have been a brief arrival/departure message.

The FAA, which now has 340 Flight Service Stations in 50 states, celebrates its fiftieth year of service this August 20. There's an interesting history behind this service that we take so much for granted today.

When the Post Office Department decided to fly the mail on a transcontinental route, a string of radio stations was begun that August, 50 years ago. The western section included Omaha, North Platte, Cheyenne, Rock Springs, Elko, and Reno, with arrangements made to use the Navy radio station in San Francisco.

Historical experts in the FAA state that only four of the original transcontinental chain of stations have remained "pure communications stations" for their entire 50-year history. The others have been combined with towers at one time or another, been out of service for periods of time, or otherwise had a change of operation. The four "pure" 50-year-old communications stations are Washington, D.C., Rock Springs, Wyo., Salt Lake City, Utah, and Elko, Nev.

The first FSS in Elko was a one-man operation. Most radio operators were ex-U.S. Navy veterans of World War I. The primary qualification for employment was to send and receive 30 words of code per minute.

Elko's first predecessor of the FSS was located in a 20×20 building near the Humboldt River. Local folklore indicated that the building was still standing and currently in use as one of the town's legalized parlor houses. This makes a fine story, but unfortunately it isn't quite true.

Confirmation of the location of Elko's pre-FSS came from Jess Harris, who "used to hang around the station as a kid." Jess freely admits that he aided in the disappearance of a couple of five-gallon cans of alcohol (doped with potassium permanganate to elimate the possibility of human consumption). The alcohol was used to maintain the arc on the old two-kilowatt shipboard-type transmitters.

"We always picked up two cans of alcohol with a truck to drive them out to the station. Sometimes one of them would get lost," Harris grinned shyly in retrospect. "We found that we could take a copper radiator line from a wrecked DH Liberty engine, wrap it with asbestos and safety wire to form a coil, and then heat it with a blowtorch to distill the potassium out of the alcohol. That stuff was really potent. I believe that one Coke bottle full would get the whole town drunk!"

Jess Harris, frequently referred to as "Juice" by the early air mail personnel, is now the county sheriff, as was his father before him. Jess still flies a Cessna 180 and *Super Cub* to chase cattle rustlers. It was Sheriff Harris who discounted the rumored colorful location of the first Elko radio station. However, it was located at the far end of "the street."

The original reason for having transmitter stations located away from the airfield was to keep low-flying aircraft, grouping for the field in bad weather, from hitting the antennas.

The radio operator had to be a jack of many trades, and an expert in improvising, to keep his equipment on the air. The job was seven days a week and frequently before drawn, when the operator would exchange weather information with adjacent stations and relay this to the airfield. When the plane (Elko had one plane each way, each day, to begin with) took off, there was a departure message with the pilot's name, the ship number, and the number and weight of mail pouches. When the evening plane came in, the process was repeated. At division points like Salt Lake City, a daily report was forwarded to Washington, and the operator had to stay on duty until it went out. Starting pay was $1,800—per year.

Many of these early stations were installed and improved by Art Johnson, a near-legendary radio operator who is very much alive in Santa Monica, Calif. He ran his first amateur radio station in 1911 (at age 12), before there were any licenses, and had a call sign of 9AL a year later.

Johnson joined the U.S. Navy prior to World War I and spent nine months at a Navy electrical school. "It was a darned good program," he commented. "We had both theory and maintenance courses so that we could keep our equipment on the air."

Johnson explained that the original Post Office Department concept was to develop both communications and navigation systems for modified twin-engine bombers with radio operators aboard. About May 1920, pilot Wesley L. Smith flew from College Park, Md., to the Philadelphia Navy radio station "without regard to compass or ground indications, using a receiver with a fixed-loop antenna."

When the surplus single-engine DR–4s came into general use, there was room for the pilot and all the mail he could carry—but not for a radio operator. So the idea of both "nav" and "com" was discarded for a time, and the first wireless stations were used strictly for communications, to replace leased telephone wires.

There's a station log at Elko named "The March of the Idiots." Art Johnson reported that Elko was then the least desirable place on the entire transcontinental route. All the new men first went to Elko. One newcomer got off the train in Elko, looked around, and climbed right back aboard for parts unknown.

Present Elko chief is Harold Griffith, who moved here more than two years ago from what must have been an even less desirable post, Bryce Canyon, Ut.

When you fly along this mountainous No. 1 air mail route, it's easy to marvel at the pioneers who built this system from almost nothing. The original "com" building in Salt Lake City was on the fairgrounds, but the first airport structure, completed in 1924, still stands as a lean-to on an old United Air Lines hangar. It was here that much of the early cut-and-fit developmental work took place to put more punch into the surplus equipment.

Art Johnson recalls, "During heavy atmospherics, signals from the arc transmitters sometimes failed to get through. Phil Coupland and I developed a means of raising these two-kilowatt transmitters to five kilowatts by enlarging the power supply, installing larger field coils, and improving both air and water cooling. We used a 17-gallon Liberty radiator, mounted outside the building, to cool the water.

"We also developed a wave-change switch that would operate without shutting down the transmitter.

"We got jolts all the time," commented Johnson gingerly. "They'd burn, but they weren't dangerous. Sometimes the air and alcohol mixture would explode. We could have used a kerosene mixture, but that would have produced carbon around the arc. Those Navy arcs were almost foolproof—clumsy but rugged.

"The next year, Hadley Beedle (in Reno) and I (in Salt Lake City) began experimenting with vacuum tubes operating at short-wave lengths. Hadley developed a convenient transmitter utilizing two quarter-kilowatt tubes and a raw a.c. power supply, while I completed several working models along similar lines. His model had certain advantages, and he installed it in Reno and Sacramento while I built and installed similar units at all stations between Elko and Iowa City.

"All this equipment, including receivers, was built in spare time while we were standing a regular radio operator's watch. We had little or no money for the project and had to improvise in every way we could. Discarded half-inch copper gas lines from Liberty engines were used to form induction coils. Condensers were robbed from Navy spare parts. Discarded half-kilowatt power-line transformers were purchased from the power company for about $2 each and provided high voltage for the tubes.

"Most of our spare parts came from the Navy by the back door. Many of the Navy personnel working on the air mail circuit in San Francisco wanted to come to work for the Post Office Department, so we had little trouble in getting surplus supplies."

No one bothered about patents in those days. Johnson has none.

Johnson considered the Phillips Code (a system of dots and dashes with many abbreviations, set up originally for the railroads and press releases) superior to the International Morse Code, particularly when static interference was in the air. The air mail system was the only organization to use the Phillips Code for regular communications.

"That's where 'CAVU' came from—and many others," Johnson commented. "A good operator knew all the abbreviations and could keep ahead of the guy on the other end, particularly when he took the time to write out 'ceiling and visibility unlimited.' "

Other aviation abbreviations—'RON' (remain over night), 'ETA' (estimated time of arrival), and 'WILCO' (will comply)—were all started by wireless operators of the old Postal Service.

Working almost without a budget, the Post Office Department talked the cities along the line into providing land, a hangar, and runways. At Salt Lake City, for example, the original north-south runway was very soft when wet, and the city dumped its "hard garbage" (tin cans) and stove clinkers on the suface throughout the rainy season.

While you're in Salt Lake City, if you're lucky, you can drive to a rose-covered cottage within sight of the airport and spend an hour invading the privacy of a gentleman with pilot's license No. 99.

At 80 years of age, Henry Boonstra is just as sharp as they come. A pilot for the Signal Corps in World War I, Boonstra went directly from the Army to the Post Office Department, ferrying surplus aircraft to the repair depot in the infield of the Indianapolis Speedway. He made one of the early night flights while returning from the Dempsey-Willard fight in Toledo, O., with Indianapolis Star reporter Mary Bostwick in the front seat. He circled the racetrack until enough cars lined up with their lights for an eventful landing.

Boonstra was also instrumental in the May 1968 delivery of DH–4 "Old 249" to the Smithsonian Institution.

"I flew 249 out of here late in December 1922," he commented. "The weather was bad, but I went east along the Uinta range of mountains that parallels the course into Rock Springs. The carburetor iced up, and I landed on Porcupine Ridge on top of a mountain above the timberline.

"It was about 8 a.m., and the snow was up to my waist. I walked down all that day, that night, and all the next day. I could see a ranch about five miles away, but it took me all day to get there."

As soon as Boonstra reached "civilization," a mule team was sent out to bring back the mail. Later, the Liberty engine was hauled down the hill by a pair of mules, but the airplane remained more-or-less intact. Contrary to the policy of burning aircraft downed in isolated country, "Old 249" sat for 43 years too far out in the backwoods for people to strip it.

When John W. (Bill) Hackbarth (AOPA 212378), air mail mechanic and later pilot from Santa Paula, Calif., decided to rebuild a DH–4 to deliver over the old transcontinental route on the golden anniversary of the start of the air mail service, he chose "Old 249." He discussed the project with

Boonstra and then "trucked down about 600 pounds of junk" to start his rebuilding project.

Even Art Johnson had a hand in rebuilding "Old 249." His home is within an hour's drive of Santa Paula, and Art spent spare time helping with bits and pieces of the old bird. He built the wing struts by hand in his workshop.

Boonstra flew the same route for 15 years in DH–4's, Boeing 40–B–2s and 4s, the Boeing 247, and the 80–H Boeing Trimotor, after the Post Office Department turned the run over to Boeing Air Transport in 1927.

"We were just getting the DC–3's when I quit," he commented quietly. "I considered the Salt Lake-Rock Springs segment to be the roughest run in the country, but that Reno-SFO airway had a tough little segment."

Today the FSS in Salt Lake City is next to the "old terminal" and has a Weather Bureau (Department of Environmental Services Station) adjoining. The one-man operation begun here 50 years ago by Art Johnson now has a staff of 32 and includes remoted stations at Lucin, Bonneville, Ogden, Fairfield, and Price. Delta is manned 12 hours a day and Malad City 16 hours, with remote service out of SLC for the "midnight shift."

The flight from Salt Lake City to Rock Springs, Wyo., looks rugged even today. Lee Warren, deputy director of the nine-state FAA Western Region, cruised Victor 32 with a *Queen Air* and talked of the growth of the FSS. While he's a relative newcomer to the system, when compared with Art Johnson and Henry Boonstra, Warren began puttering around with aircraft radios in St. Louis in 1931.

"At first, I couldn't figure out why anyone would want to put a radio in an airplane," he quipped. "Who could hear the music over the noise of the engines?"

Warren worked for American Airways (later American Airlines) and helped develop an interline agreement among AA, Eastern, TWA, and United that developed into the first formal air traffic control system. He invented the word "center" for the Department of Commerce after aviation activities were transferred from the Post Office Department in 1927.

At that time radio stations, beacon lights, and intermediate landing fields were placed under the Bureau of Lighthouses. There was some talk about placing aircraft inspection and licensing of aircraft and airmen in the Bureau of Steamboat Inspection, "but the pilots wouldn't swallow that," remarked Art Johnson. "Instead, an Aeronautics Branch was created and handled such functions."

The first gas beacon was installed in Elko in 1924. Today's electric beacon stands on the same spot where the original beacon was erected on the hill east of the airport.

So Victor 32, once called "Green 3" and first named "The Transcontinental," was no stranger to Lee Warren and Dale Heister, chief of the Los Angeles FSS and a 28-year veteran of the service. While flying *Queen Air* N149, the pair pointed out that many oldtimers preferred outlying stations to working in the big city, even at the expense of a grade in pay.

Typical of these "back country" FSS chiefs is Cliff W. Wheeler, half Alaskan Indian, and 35-year veteran with the FSS and its predecessors. Wheeler was a little late at his Rock Springs station that morning. He'd just seen his No. 2 son, Gary, off for Vietnam and was expecting No. 1 son, Cliff Jr., back from the Far East that same week.

Wheeler would rather go out and fill gopher or badger holes on runways than fight the freeway. (One of his predecessors at Rock Springs interrupted a broadcast when a rattlesnake crawled up through a knothole in the floor of the original downtown wireless station.)

"The smaller towns have better recreational opportunities," he explained, "but there's no dollar advantage. When you're out in the back country, you have a little less paperwork. It's a satisfying job, and the new electronic aids make it a great deal easier to be helpful than in the old days."

When asked about FSS "saves," the Rock Springs chief was quite for a minute. "We do things like this almost all the time. It's just part of the service. I can remember the pilot of a 'T-craft' at Malad City who was lost in the mountains to the east. We brought him in to the airport just using landmarks; that was before VHF/DF. He was pretty 'shook up' and so scared that he was sick in the air. When he finally rolled to a stop, he literally got out and kissed the ground."

Looking out over the "low profile" installation toward the tabletop runway, Wheeler continued, "We had a case of a pilot who became ill in the air over the Fort Bridger area. His wife called our specialist Max Fullmer (now at Idaho Falls), who is a pilot. He calmed her down and brought her into our traffic pattern here after 45 minutes of talking. Fortunately, her husband revived sufficiently to take over and land."

Even after 35 years on the job, Wheeler is not anxious to retire. "I enjoy what I'm doing and I'm certainly not ready for a rocking chair. It'll be quite a few years before I get to that mandatory retirement age of 70."

It's 12 miles west from "no-name-mesa" to downtown Rock Springs. The neat tabletop airport replaced the original dirt strip located five miles north of town on the lee side of the White Mountains.

"Most of the early pilots considered [the old] Rock Springs the worst early airport in the West," Boonstra had explained earlier. "It almost always had a hazardous crosswind, and the currents off the mountains were terrible."

One of the Rock Springs residents who was "just messing around the wireless station as a kid" is Ray Ajo. His first checks came from the Post Office Department when he was a mechanic's helper. When Boeing Air Transport (later United Air Lines) took over the service, Ray stayed on and helped put 2,000-pound loads (400 pounds over gross) in the two mail pits of the Boeing B–2s.

Ajo spent 28 years in various phases of air mail and retired as manager and supervisor for United Air Lines. All of his duty was spent in Rock Springs.

"When we started, we had $80 per month for working all hours. There were no benefits, but we were so dedicated to the job that no one thought much about those things . . . One of the jobs I had was to change all the beacon lights between here and Salt Lake."

Today the hop from Rock Springs back to Los Angeles is strictly "no sweat." Cruising at 10,500 feet and sipping a little oxygen, you have radar traffic advisories over most of the route. The "system" vectors you through the smog and to a routine touchdown at bustling LAX terminal.

Next time you walk into an FSS for an in-person preflight briefing, you may find the man (or woman) behind the counter of fairly young age. However, in the background is a system that started with almost nothing and has shown a remarkable growth in its first 50 years.

Happy anniversary!

RESTORE BLUE LAKE TO TAOS PUEBLO

Mr. KENNEDY. Mr. President, many bills are pending before Congress dealing with broad general problems of the American Indian. And yet the Indian bill which has been the focus of the most public attention in recent months directly involves only one particular tribe, the Taos Pueblo of New Mexico.

In 1906, the Taos Pueblo suffered a grave injustice when the U.S. Government seized the Pueblo's sacred Blue Lake lands. H.R. 471, which has already passed the House, would right this wrong by removing the sacred lands from the Carson National Forest and provide that, henceforth, the United States would hold these lands as trustee for the Taos Pueblo. The lands would then only be used by the Indians for religious and traditional purposes and would be preserved forever as a wilderness.

Indians everywhere have spoken out in support of the efforts of the Taos Pueblo to regain their ancient religious sanctuary. The Taos Indians' historic struggle to regain ownership of their sacred lands is symbolic of the struggle of all Indians to enjoy the rights of religious and cultural self-determination which are part of the birthright of all Americans. As the Taos delegation told the Indian Affairs Subcommittee last month:

> In this fight we are . . . struggling to preserve the identity of our people as a tribe, to preserve our Indian way of life, and to obtain restitution of land wrongfully taken from us.

In seeking restoration of the lands, the Taos Indians have repeatedly rejected the offer of monetary compensation for the wrong done to them. They do not seek material gain. The Indian Claims Commission indicated that the Taos are the only Indians who have asked the Commission for the return of land in trust rather than a money judgment. They want the Blue Lake lands so as to maintain their religion and culture. The lands, one of the most beautiful wildernesses in this country, are a natural cathedral containing the holy places and altars of the ancient Taos faith, which remains the guiding force of their culture.

A religion that teaches reverence for nature and prohibits interference with the natural condition of the land, as does the Taos religion, is a religion from which we all can draw inspiration. I know of no reason to deny these people the assurance that their religion will be sustained by returning to them the sacred lands they need in order to practice that religion. Simple justice requires that the Taos Indians' modest request be granted.

I would hope the Committee on Interior and Insular Affairs should take favorable action on H.R. 471.

DEFENSE OF U.S. ARMY AGAINST MISREPRESENTATIONS

Mrs. SMITH of Maine. Mr. President, with the transportation and disposal of the dreaded nerve gas by the U.S. Army having been successfully completed without any fatality, injury, exposure, or damage to anyone or any area, I think that it is appropriate not only to give praise where praise is due, but as well, if not more important, to set the record straight in defense of U.S. Army on misrepresentations made against it creating extremely unfair attacks on it and its personnel.

In separating fact and truth from mis-

representation and maligning of the U.S. Army on the administration of its chemical and biological weapons program, I shall center my remarks on the activity of the U.S. Army at its post at Fort Detrick, Md. I made an inspection trip there earlier this year and I asked for specific information during my inspection there and for the supplying of information subsequent to my inspection.

What I found was most revealing and reassuring in refuting the scare and horror claims against this activity. Last year a congressional charge was made that a man, who was identified as being also a lifeguard, died from the plague that he caught while working at Fort Detrick.

What is the truth? The truth is that the man did not die. He did contract pneumonic plague in September 1959 but he was cured and returned to duty in less than 3 weeks after having the plague. He is alive and well today as my executive assistant checked on August 14, 1970, and talked with this man by telephone and found that he was alive, well and living in Boulder, Colo. He is Ralph L. Powell of the Infotronics Corp., former laboratory technician at Fort Detrick.

The congressional charge made over a year ago was not only that this man had died of the plague but that the incident was never reported to the World Health Organization. To the contrary, authorities at Fort Detrick reported the case to the State of Maryland on November 6, 1959, and the State of Maryland is the appropriate channel for report to the World Health Organization. Furthermore, details of this case were published in Annals of Internal Medicine 56(5): 789–800, May 1962, or 7 years before the false congressional charge was made.

The alleged victim was interviewed by a member of the press in November 1969 and the victim had nothing but praise for Fort Detrick and said that, if anything, instead of having a lack of safety precautions, officials at Fort Detrick overemphasized their safety program.

A series of articles on Fort Detrick was written by Richard Lebherz and appeared in the Frederick, Md., Post during the period of November 3 to 17, 1969. I ask unanimous consent that the last of the series of the five articles be placed in the RECORD at the conclusion of my remarks and I call attention to a statement by the writer in that article that—

This is merely one of a hundred examples of completely false information being made by reputable people against the biological research program. So far, there have been very few who will refute this false information, or who will present another side of the coin. Of course, from the Department of Defense comes only silence.

This lack of courage on the part of the Department of Defense to defend its maligned programs and personnel is shocking. It is a sad commentary that an outsider like Mr. Lebherz has to take the initiative to get the truth to the public and try to get fair play for the program and personnel at such activities as Fort Detrick. It is refreshing, however, that in this instance there is the contrast of the news media defending the military rather than maligning it.

Critics, false accusers, and enemies of Fort Detrick to the contrary, Fort Detrick has an enviable safety record. I cite the summary by Dr. A. G. Wedum, Fort Detrick director of industrial health and safety, made as of May 1, 1970.

Not only does Fort Detrick have an enviable safety record but, as well, an outstanding record of contributions made to Science and the Public Welfare. During my visit on April 29, 1970 to Fort Detrick, I requested a summary statement on this matter. In response I received a summary memorandum dated May 5, 1970. I ask unanimous consent that it be placed in the RECORD at this point.

Mr. President, I am sick and tired of the constant maligning campaign of derogation and false accusations against military personnel, establishments, facilities, and programs. The Fort Detrick case is but one example of this pattern.

But I am even more appalled at the failure of the top officials of the Department of Defense to defend dedicated personnel and to vigorously refute the false accusations made. The timidity and the half-heartedness of the Pentagon to defend its people is enough to make our military personnel sick at heart and leave the service at the first opportunity.

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

SUMMARY: SAFETY AT FORT DETRICK

MAY 1, 1970.

1. No open-air testing of infectious or toxic biological material is, or ever has been, done at Fort Detrick.

2. No member of the general public has ever been infected as a result of Fort Detrick's experiments.

3. Transportation: There never has been leakage of infectious or toxic biological material in the BW program, during a shipment by Army, Navy, or Air Force, by commercial or military transport. The rough handling test standards, for qualification of packaging for shipment, exceed the requirements for packaging of any other dangerous material; the only closely comparable standards are those for radioactive materials.

4. Laboratory Infections:

a. Since December 1965 there have been no hospitalized laboratory-acquired illnesses; during this time there were 9 minor non-disabling infections.

b. During 1943 to date there have been 422 laboratory-acquired infections at Fort Detrick. Among these, 27% had such mild illness that hospitalization was not required.

c. The 3 deaths (Anthrax 1951, 1958; Bolivian hemorrhagic fever 1964) among the 422 cases represent a mortality rate of 0.71%, which compares favorably with the 4.2% deaths among 3178 cases revealed by a Public Health Service-supported survey (Sulkin-Pike, U. Texas, 1969). Among the 3178 cases are 389 reported by Fort Detrick.

d. The man with pneumonic plague in September 1959 did not die as stated by a member of Congress in a public broadcast 3 May 1969. The case *was* reported 6 November 1959 to the State of Maryland, which is the appropriate channel for report to the World Health Organization.

e. As regards Rocky Mountain Spotted fever in Maryland, Governor Marvin Mandel announced 12 August 1969 that the increased incidence was not related to research at Fort Detrick.

f. Examination of National Safety Council figures for rates of disabling (lost-time) injuries per million civilian man-hours worked shows that the Fort Detrick rates from 1960 to the present time are equal to or better than any all-industry average, are 8 to 14 times better than for all civil service employees, and are 20 to 50 times better than many industry averages.

A. G. WEDUM, M.D.,
Director, Industrial Health and Safety.

CONTRIBUTIONS BY FORT DETRICK TO SCIENCE AND THE PUBLIC WELFARE

MAY 5, 1970.

HON. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.:

As promised during your 29 April 1970 visit here, a summary statement has been prepared that provides for you *selected examples* of Fort Detrick's contributions to science and the public welfare.

Scientific Publications.—Since the end of World War II, when the wartime restrictions on publications were removed, the scientists and engineers of Fort Detrick have published more than 1,450 individual contributions to the scientific literature. These have described the results of research investigations in the biological, chemical, medical and plant sciences; and in the various engineering specialties.

Scientific Symposia.—As one of this nation's largest biological research centers, Fort Detrick has sponsored six scientific symposia in the last decade. Each of these provided a contemporaneous and authoritative assessment of an important scientific topic.

Vaccine Development.—Our research program has developed three vaccines: A pentavalent toxoid for botulism (a form of food poisoning), a cell-free antigen for anthrax (so-called "wool sorters disease"), and a live vaccine for tularemia (also known as "rabbit fever"). Each of these biologicals initially has been extensively studied, and its potency and efficacy proven in experimental animals. Subsequently, they have been administered to man under well-controlled conditions, and found to be clinically acceptable and efficacious. For the latter two of these products (the anthrax antigen and the live tularemia vaccine), their evaluation in man has been accomplished in collaboration with the National Communicable Disease Center, U.S. Public Health Service, and with clinical investigators at the Medical Schools of the Ohio State University and the University of Maryland. Prior to the above-mentioned developments, effective protective agents for these diseases were not generally available.

Investigational Vaccines Program.—Once the Fort Detrick anthrax antigen, pentavalent botulinal toxoid, and live tularemia vaccine were developed, their characteristics became known to professional people in the health sciences, and repeated requests were made to Fort Detrick for supply of these materials to be administered to individuals at risk at universities, research institutes, diagnostic laboratories, and industry. After an initial period, during which Fort Detrick filled these requests if made by qualified physicians, the continuing problem of providing infrequently used immunizing agents that are not available commercially was reviewed with the National Communicable Disease Center's Advisory Committee on Immunization Practices. As a result, the Investigational Vaccines Program was established at the National Communicable Disease Center to provide such biologicals, and Fort Detrick supplied to that program its initial inventory of vaccines. Thus, these three products originally developed because of the defense interest of the Military Services are now available to the public at large.

[From the (Frederick, Md.) Post, Nov. 17, 1969]

FORT DETRICK: A SYMBOL OF CRISIS—NO. 5—COULD BIOLOGICAL WARFARE BE A SCAPEGOAT?

(By Richard Lebherz)

There are some scientists and researchers and even some Army personnel, who believe

that the biological warfare research and development program is being used as a scapegoat by the Department of Defense. Could this be true?

They reason this way: there is currently great public and political pressure being brought to bear on Congress to cut the budget of the Department of Defense for this coming year, in order to alleviate public resentment against that Department arising from the unpopularity of the war in Vietnam. Could it be that the biological warfare program is being used as a convenient sacrificial lamb, to placate those pressures?

In other words—some would suggest—if something has to go, let it be the chemical or biological research programs rather than, let's say, the equally controversial ABM system. After all, there seem to be no religious or political sects protesting against the use of the ABM system, but there are apparently quite a few protesting against CBW.

Out of the 90 billion dollars allotted last year to the Department of Defense by Congress, only about 20 million of it filtered down into the biological warfare research program—less than one-fortieth of one percent of the total defense budget. The assumption might therefore seem to follow that germ warfare is not really considered all that important. Then the next question we clearly must ask ourselves is simply this: is it or isn't it that important to our national defense and the security of the country?

When I was asked to do this series on Fort Detrick, my immediate action was to reject the idea, for several reasons. The principal reason was simply that I was quite aware of the emotional and moral reaction in certain segments of the public whenever the terms "Detrick" or "germ warfare" are mentioned.

I also knew it to be true that having the military post in our midst here in Frederick did offer the community obvious financial rewards, and to criticize it might conceivably jeopardize those rewards. Hadn't Seymour Hersh in his New York Times article of Oct. 18th all but affirmed that the reason for this coming together of the two communities, Detrick and Frederick, was a deliberate effort on the part of the Fort to diminish the resentment that the citizens of Frederick might harbor against biological research and the men who were part of it? This, however, I did not believe to be true when I read the article, nor do I believe it to be true now.

If the people of Frederick have accepted the members of Fort Detrick into their society, and vice-versa, it is principally because they like and enjoy each other as friends and fellow members of the community. If there are friendships in Frederick between Fort Detrick personnel and the rest of us, it is in spite of, and not because of, any resentment that may surround biological research.

I, too, had read Seymour Hersh's book, "Chemical and Biological Warfare, America's Hidden Arsenal." I, too, had heard on TV of the alleged horrors confronting us all in case a biological attack should get out of hand. Yet, I must confess, at the same time I wondered to myself if it were possible that all of these implications and accusations were really true, or if there were not more to the question of whether we should continue with a biological research program. Were there other sides to the question, I wondered, that we didn't know anything about? Would I be able to overcome a natural instinctive reaction against that kind of research in order to look at the problem objectively and dispassionately?

Like general public, I realized that I really knew very little about the whole subject. I had a moral and emotional reaction against it, just as the general public did, but this series, I decided, might give me a first-hand opportunity to assess the situation, and to answer, if possible—not only for myself, but for others as well—some of the confusion about exactly what does go on at Fort Detrick, and what the men were like who worked there.

Now, after having completed this series, I am firmly convinced that the basic problem that exists at Fort Detrick, insofar as presenting to the public important facts about biological warfare is concerned, does not originate within the Fort itself. It is much more involved and complicated than that. In fact, what is happening at Detrick is, I believe, the same major problem that confronts all Americans today, in regard to the role of the Department of Defense in our lives, and the lack of information about that role that is being provided to Americans, so that they can better comprehend and judge the need for this work.

It is always a frightening and dangerous course for a government to lose contact with the people who support it. It is even worse when a government misjudges or thinks the public inadequate to share with it the problems that they are facing. For it is the government's proposed solutions to these problems that the public will not only have to pay for, but whose consequences they will also have to bear in the future.

I believe that this is not only the crisis at Fort Detrick, but it is just as true of our present confused position with regard to the war in Vietnam. It is just as important for a country to understand and support a biological research program as it is to understand and support a war in which they have become engaged. I think both of these areas have never properly or realistically been explained to the American public, and this is why both areas have become symbols of crisis in our time.

For the past several decades, it has been indeed clear that the Department of Defense, together with the CIA and the State Department, have presumably felt that the American public is either insufficiently intelligent or politically knowledgeable to become a part of the decision-making that unquestionably involves the future of the American public and of the nation itself.

Yet this American public has been asked to go on paying taxes, which are increasing more and more each year. But we are apparently not supposed to ask where those funds are going and for what purpose. The American public has been asked to finance wars whose objectives have become less and less understandable to the people who constitute this Nation. Year after year, we send Congressmen and Senators to Washington, sending them on our behalf, in order that they may participate in major decisions that will guide us and our nation into the future. Only, as we come to realize in many cases, they sometimes know even less than we do.

I believe that it is essentially this feeling of isolation that is occurring between the American people and their government in Washington, this ever-widening feeling, that has caused this unconscious resentment to be deflected from the government itself, the silent Department of Defense, the CIA, and the State Department, and has in fact deflected that unconscious, ever-growing resentment in the direction of chemical and biological research programs, as a substitute for other frustrations in the world of today.

I believe this resentment to be out of all proportion to the realities of the situation, and I believe this resentment to be dangerous, because it is purely a moral indignation focusing on the smaller areas and not on the whole. It is a personal, misplaced resentment that has no place in deciding analytically and rationally what policies we should develop and maintain with regard to protecting this nation.

There is really only one valid reason, in my opinion, for America to decide either to continue or to end chemical and biological research and development programs, and that reason should be a realistic one. Can we afford not to continue these programs, in the face of the evidence that exists and confronts us about other nations, whose research exists and continues daily? That surely is the one and only realistic question to be asked, and it ought to be answered honestly, objectively, and factually, not morally or emotionally. It is my hope that this series will contribute in some way toward the answering of that question.

Unfortunately, not only has this resentment been reflected in the public's confusion but there is ample evidence that the Press has also been affected by it as well. There seems to be an automatic reflex reaction by newspapers and magazines, that biological and chemical warfare are the villains of the peace. Incidentially, who makes our tanks, I wonder? Who builds our bombers? Whenever you pick up an article these days about either of these research areas, you can be certain of the usual one-sided viewpoint that appears to be most acceptable these days.

This dangerous attitude has encouraged Congressmen and others to assume that what the press publishes is necessarily correct, that there are no other interpretations to be made, no new information to be offered, no new viewpoint to be rendered for the public's consideration.

Congressman Richard McCarthy (who has literally toured the country in his role of protecting the world against germ warfare), recently recorded a radio show in New York entitled, "From the People," May 3, 1969. The program was produced by United Press International. There were several panelists involved. Here is one of the question asked the Congressman:

"In your investigation, what would you say is the chance of an accident occurring in the U.S. within our research program?"

(Whatever investigation the Congressman has made, it never included an actual visit to Fort Detrick in person, to inform himself from competent sources, We must assume, then, that his remarks are deducted from what he has read about Detrick from secondary reports, stories, briefs, etc. And his deductions are confused.)

His reply: "The accident record is not very good at Fort Detrick. For instance, we have had thousands of infections of people working in all these exotic and deadly diseases, like the plague. One case, where a person who was there at Fort Detrick also was a life guard, and he caught the plague."

(There is absolutely no truth to this statement about thousands of infections being caused by all these exotic and deadly diseases, by the way. The security measures at Fort Detrick are so strict and intricate—and in fact so successful, overall—that many of the scientists and researchers working there complain about measures taken, and how it actually hampers rather than facilitates their work.)

"What happened to him?" asks one of the panelists.

"Well," replies the Congressman, "he caught the plague, which is a very deadly disease, and he ultimately died; and that incident was never reported to the World Health Organization."

Now, this is a Congressman speaking. We assume that men in Congress ought to know what they are talking about, especially if they are going to speak from an authoritative position. People hearing him make a statement like this one about Fort Detrick have no way of knowing that he is very badly misinformed about the life guard that he says caught the plague and died of it.

The lifeguard about whom the Congressman is speaking with such assurity was Ralph L. Powell. It may come as a shock to the Congressman, but Ralph Powell is not dead in the least. He is well, and he lives in Wilmington, Delaware. In fact, I spoke to him on the phone just last week.

True, he did catch the pneumonic plague,

yet having gone through such an experience, he had this to say of Detrick:

"If I had had more than a BS degree, I'd have asked to stay at Detrick as a research chemist. But I didn't have one, and I had to earn money immediately, so I had to look elsewhere for a job."

"Did you ever find that there was a lack of safety precautions at Fort Detrick?" I asked him.

He laughs. "If anything," he replies, "their safety program is a little ridiculous. They over-emphasize it."

"Is it true that your case was never reported to the World Health Organization?"

"Not a word of it. Why, I have newspaper clippings from all over the world about my case. It never was kept a secret. Of course they knew about it."

This is merely one of a hundred examples of completely false information being made by reputable people against the biological research program. So far, there have been very few who will refute this false information, or who will present another side of the coin. Of course, from the Department of Defense comes only silence.

I finally made an appointment with a high official at the Pentagon, in order to tell him what I felt was happening to the morale of the men at Detrick, and to ask that $64,000 question: Why hasn't the Department of Defense ever come to the rescue whenever Detrick is being maligned?

"Well," he says, with a patient smile on his lips, "we don't want to get mixed up in it. It's best just to remain silent."

"Couldn't you simply release the truth?"

"No," he says, "it's best just to remain silent and stay out of it. No one would believe us, anyway."

And there it ended.

There was one other main point that I wanted to clear up with regard to the necessity of having to continue the biological and chemical programs, and that one point could not be answered at Fort Detrick. One of the prime reasons for the continuation of CBW programs, says the Department of Defense, is because other nations are doing the same thing.

Since Japan, West Germany, and the Soviet Union, as well as England, are also carrying on research and development in CBW, I sent out more or less the following letters to the Ambassadors of each of these countries:

"Due to the recent interest in Chemical and Biological Warfare, both on Capitol Hill and in the newspapers, the above newspapers have asked me to do an in-depth series on the subject in relation to Fort Detrick, which is a part of our community.

"Since the Department of Defense uses as a basis for its continuance of this investigation the fact that your country is involved in the same investigations, I wonder if it might be possible either to discuss this with you or have a statement on the subject with regard to what your country's position is in this area. It would seem an advantageous opportunity to clarify your country's position one way or the other."

The Embassy of Japan was the only one to reply.

"The basic position of the Japanese Government on chemical and biological warfare may be summarized as follows:

"1) We should prohibit not only the use of chemical and biological weapons but also their development, production and stockpiling, since the effects on mankind of the possible use of these weapons might extend over a long period of time.

"2) The Japanese Government wishes to exert its utmost efforts to bring about an early and effective elimination of these weapons.

"We are of the view that it seems to be more appropriate to tackle biological and chemical weapons together rather than separately, despite the difficulties in verifying the production of chemical weapons as well as in determining the scope of the chemical agents to be prohibited.

"3) Although the Japanese Government has acceded to both the Hague Declaration of 1899 and the Convention of Land Warfare of 1907, it has not yet ratified the Geneva Protocol of 1925. Since the Geneva Protocol prohibits only the use in a war and of the weapons in question, without touching the production and stockpiling, and since different opinions exist as to the interpretation of its coverage, it is not a fully satisfactory international instrument.

"If, however, we should find ourselves in the unfortunate situation that an agreement to prohibit completely both chemical and biological warfare weapons cannot be concluded in the near future, the Japanese Government would be prepared to consider the ratification of the Geneva Protocol."

I have never received a reply from either the Soviet or West German Embassy.

It has not been my personal intention of taking a position in regard to Fort Detrick and its continuation of biological research, except to try to be as objective as I can be. My conclusions may not be objective in the least. What I have tried to do with this series was to bring to public awareness facts and information that the people might not have been made aware of—like the alarm system, which seems to me to be of the utmost national importance. I wanted to show that men were not being either forced or induced by financial rewards into becoming human volunteers in the Medical Unit. I wanted to point out that when human beings are used in experiments, only the highest ethical standards are utilized. I wanted also to bring out the fact that while we keep hidden factual information about biological warfare from the public, the Soviet Union educates its public to be aware of it, and how to defend themselves against such an attack.

But I think more than all the rest, it seemed to me that the men who work in Detrick each day, who potentially risk their lives in experiments that will have beneficial effects in our lives, that these men, lest we forget, are Americans. They are sincerely convinced that they are fighting, in their own way, to protect our country against a common enemy just as much as any soldier in Vietnam. True, there is no enemy at our shore, as yet, but they hope that if one ever comes, they will have helped this nation prepare for that attack.

Then, finally, I came up with this thought, this summary of what I may have learned out at Detrick:

The manufacture of ammunition, of tanks, of hydrogen bombs, and research and development for chemical and biological defense are not the causes of wars—they are the symptoms of that cause, in order to evaluate the impulse for war in man, you don't banish the symptoms without first discovering the cause, nor will such an effort be successful. It may very well be that the cause is no longer related to the symptoms, and that man is destroying himself and the world he lives in needlessly, due to some primitive, deeply-hidden mechanism he no longer needs to employ. Until man can discover that cause, however, we will continue to live with the symptoms, and perhaps mistakenly read the symptoms as the cause—a mistake man may come to understand one of these days, and thereby end that urge that is as deeply rooted in his soul as is the need to protect.

Therefore, in my view, ending chemical and biological research in the United States would merely be banishing the symptoms. There is obviously only one place for each of us to look for the causes of war, and that is within ourselves.

THE F–4—THE LAST AIR SUPERIORITY FIGHTER ACCEPTED INTO AIR FORCE INVENTORY SINCE 1958

Mr. GOLDWATER. Mr. President, it was in 1958 that the last air superiority fighter was accepted into the Air Force inventory, and that was the F–4. It has performed an admirable and outstanding job for the Tactical Air Command in both air-to-air combat against Migs and in interdiction and ground support.

During this same span of time the Soviets have introduced at least five interceptor types, all capable of higher speeds than the F–4, and all of these models are highly maneuverable posing a real threat to our pilots.

In December 1969, after 5 years of study, the McDonnell Aircraft Co. of St. Louis was awarded a contract to build a new air superiority fighter which we call the F–15. Even though this aircraft is badly needed by our Air Force, the members of Congress for Peace Through Law are proposing to cut $185 million from the budget covering research, development, testing, and engineering. This I call shortsightedness at its worst, but then the whole effort of this group ignores completely the need for an adequate defense of our country. I intend to discuss the F–15 more thoroughly in the coming debates, but I found an article in "Aerospace Safety" that points out some of the advantages in the F–15 and its system's safety. It was written by Maj. Robert M. Greene, Directorate of Aerospace Safety. 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 F–15 AND SYSTEM SAFETY

(By Maj. Robert M. Greene)

Last December after more than five years of studies and intense competition, the McDonnell Aircraft Company was awarded the contract to build the F–15 air-superiority fighter for the Air Force. Pratt and Whitney is building a brand new afterburning turbofan to power this twin-engine airplane. This will be the first new fighter aircraft for the USAF since the F–4 and the first USAF fighter designed specifically for air superiority in almost 20 years.

With very few exceptions, Air Force pilots have always been at a disadvantage in thrust-to-weight ratio, turning ability, and some of the other performance factors that are important in a technically unexcelled "air superiority" fighter. In World War II, the *Thunderbolts* and *Lightnings* were technically out performed by some of the lighter, faster enemy aircraft. In Korea the F–86 came close to matching MIG–17 performance but was still on the short end of the stick. In the air war over North Vietnam, our F–4s and F–105s were still outperformed by the MIG–17s and MIG–21s when it came to the classic "turn and grunt" rat race. Nevertheless, from World War II through Korea to Vietnam, the American airman has compiled an impressive record of kills which stands as a tribute to his training, skill, courage and determination. This individual excellence has masked the aircraft performance edge that has generally gone to the enemy.

But the F–15 brings a new era to air superiority. The American pilot will have a greater thrust-to-weight ratio, lower wing loading, better cockpit visibility, and better

armament (including the SRM or "dogfight" missile) than any aircraft possessed or forecast for the "threat" powers through the 1980s.

For the first time, the American fighter pilot can go into combat in a machine that will outturn and outshoot his opponents.

How are we going to build an aircraft like this? It didn't just happen. It has taken years of agonizing effort by some of the best people in the Air Force. These people realized that we could not build an "all things to all people" aircraft and have a true air superiority fighter.

The concept of energy-maneuver-ability has been very diligently applied to this aircraft. Consequently, weight has been kept to an absolute minimum, as has the gadgetry and systems that inevitably try to attach themselves to any system.

Performance is not the only aspect of F–15 development that has been considered. The reliability requirements established for the F–15 are more stringent than in any previous fighter. Avionics, airframe, and armament systems reliability requirements have necessitated a new approach. System/cost effectiveness procedures have been applied to evalulate the functions of the total system, insuring that each function and each component are combined to produce the best weapons system for the dollars expended. In addition, the total cost of the F–15 weapon system has been under continuous scrutiny, so several features which would increase the system's overall effectiveness have been eliminated due to the austere funding environment.

Survivability/vulnerability (S/V) is receiving more emphasis than ever before. Our S/V lessons from the war in Southeast Asia are being applied to the F–15.

Extra attention is being given to the all important maintainability of the F–15.

These are just a few of many specialized disciplines that are being applied to the F–15 and its engines. The final result of all these efforts that are being expended before hardware is produced should be a weapon system that will require fewer redesigns, modifications and retrofits, and less money spent as a result of ECPs than any other fighter aircraft yet built.

Pratt and Whitney is running a similar program on the design of the engine for the F–15. The designation for the engine, under the new system, is "F–100," of all things!

But one of the most remarkable managerial aspects of this program is the long range planning by the SPO to reduce the cost of the program by reducing the accident rate. Each year we waste millions of dollars by bashing aircraft all over the world. Aircraft and lives are lost due to many cause factors, including combat, weather, pilot errors, materiel failure, and a whole host of other miscellaneous reasons, some of which we have little or no control over. But a substantial number of aircraft (not to mention missiles, munitions and other equipment) are lost each year due to what we call *design deficiency*, and this is something we *do* have some control over.

Millions more are spent in the retrofit and modification of aircraft and other systems to eliminate design deficiencies. This is not to imply that aircraft designers are negligent. There are several reasons why safety critical design deficiencies appear in the final design of an aircraft. Some are as a result of the simultaneously increasing complexity and performance of our new aircraft. It becomes more and more difficult for a single individual to have sufficient visibility over the system to foresee all the design safety problems. Designers of individual components or subsystems do not always have the "big picture" as to how their designs integrate into the total system and interface with other designs. This has made it necessary to employ a formalized safety engineering program on our new systems. If the point is not yet made, then consider the fact that we do not have an aircraft flying today which has not undergone a major retrofit modification as a result of an accident or series of accidents!

So with this knowledge in mind, the managers of the F–15 program are requiring McDonnell and Pratt and Whitney to perform several different types of safety analyses on the design of the aircraft and engines. These analyses are directed toward eliminating the features in the design that could eventually cause an accident. This relatively new approach to accident prevention is called "System Safety Engineering." Although we say that it is a new approach, it has actually been applied to nuclear weapons since their beginning. And the record for nuclear weapons is impressive in that there has never been an accidental nuclear detonation.

The first time System Safety was applied to another type of system was with the Minuteman missile, and the reduction in accident rate for the Minuteman over previous missiles has been substantial. System Safety was first applied to an aircraft during the development of the C–5A and then later to the A–7D. As a result of the system safety analyses numerous safety deficiencies were corrected in both aircraft before the hardware was ever flown.

The basic philosophy behind the system safety approach is founded on the assumption that sooner or later parts will fail, maintenance personnel will perform improper installation or repair operations, and pilots will make mistakes in judgment, technique, etc. The system safety engineer asks, "What happens if one of these failures occurs?" The result is a list of hazards which are categorized as to consequence. A hazard that would result in the loss of the system and/or the crew is called a Category IV hazard. Hazards that *could* cause loss of aircraft and/or crew if rapid action is not taken are called Category III. Category III and IV hazards are eliminated by redesign, or warning or protective devices are provided or appropriate procedures are inserted in the flight handbooks.

Another area where more safety emphasis is being placed is in the "lessons learned" category. Data from previous accident experience has been analyzed as has AFM 66-1 maintenance data. Bad design practices which have caused hazards in other aircraft have been identified and steps are being taken to insure that these practices are not repeated in the F–15. In addition, these lessons learned are inserted into the AFSC Design Handbooks for future reference and use.

Here are just a few examples of hazards that already have been designed out of the F–15. Each of these hazards has caused the loss of several aircraft of a particular type and some aircraft types have suffered losses due to all of these hazards.

1. In case of flight control linkage disconnect or battle damage control surface(s) will fail to a nominally neutral position rather than to a full travel position.

2. In case of a jammed stick (tools/FOD in the works) stabilator control is still available through the command augmentation system (CAS) which is actually an electrical (fly-by-wire) connection between the stick grip and the control surface actuator. The aileron has a safety spring cartidge which allows control of one aileron, if the other is jammed.

3. The fuel system requires no management by the pilot except for drop tank selection.

4. Fuel lines are submerged in the fuel tanks, except where absolutely necessary for them to be outside.

5. The primary heat exchanger is as close to the compressor bleed air valve as possible. Air exiting the primary heat exchanger is below the autoignition temperature of aircraft fluids.

6. Most equipment and lines have been removed from the engine bay to reduce the possibility of an engine bay fire.

There are many more examples of hazards that are being closely watched in the design of the F–15, but these few illustrate the fact that more safety is going into the *original* design of an aircraft than we have ever had before.

Another significant requirement to be applied to the development of the F–15 is the construction of a mathematical model of the system. This model is a computerized representation of the F–15 that is used to evaluate the safety impact of changes in the design, to identify safety problem areas and to actually predict F–15 safety performance and accident rates. There are other mathematical models of the F–15, including a reliability model and a performance model. All of these models are put together in the system cost effectiveness model which predicts total system performance.

And speaking of predictions, the F–15 is the first fighter aircraft to have a contractual requirement as to accident rate. The requirement is directed toward the objective of achieving no accidents during the first 5000 hours of flying time starting at first flight. In addition, McDonnell has been given the goal of a maximum cumulative accident rate of eight per 100,000 flight hours at the 200,000 hour time point. This reduced accident rate is better than what could be expected from improved technology alone, and McDonnell is predicting that, with the rigorous application of system safety engineering, the accident rate goal can actually be bettered.

System Safety is something that *will* pay off for the F–15. Our hardware is too expensive for us not to put a full time effort into a safety oriented design. So the young pilots coming up will enjoy a unique mating of two seemingly contradictory characteristics. They will truly be operating the world's best and safest fighter!

THE BIG THICKET: THE PRIMEVAL SHRINE OF TEXAS, A POEM BY CARLYSE BLISS

Mr. YARBOROUGH. Mr. President, the preservation of the wilderness land in southeastern Texas known as the Big Thicket is one of my major legislative concerns this session.

Since 1966, when I first introduced a bill to create a national park, I have urged the Senate to take immediate action on this unique forest wonderland in Texas. Once again, with the support of conservation and wildlife groups from my State and around the Nation, I ask for Senate approval of the bill S. 4, so that this Congress might set aside at least 100,000 acres of land in Texas as a Big Thicket National Park.

An excellent poem, entitled "Primeval Shrine," written by Carlyse Bliss, captures the essence of the beauty of the Big Thicket. The poem has appeared in "A Book of the Year, 1970," published by the Poetry Society of Texas. The "Primeval Shrine" has won the Francis E. Abernathy Award of the Poetry Society of Texas for a poem whose intent is to plead for the saving of the Big Thicket. Furthermore, these verses of Carlyse Bliss are, in part, the introduction to Lois Williams Parker's "Bibliography of the Big Thicket." I ask unanimous consent that the poem be printed in the RECORD.

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

PRIMEVAL SHRINE

(By Carlyse Bliss)

Big Thicket is our state's primeval shrine,
Prismatic colors paint the season's scene in
leafy patterns—picturesque design—
Smooth shades of peas, and pine, and muted
green.
For this is freedom in its simplest form,
Where wild things thrive, partake of what
they have:
A tree is shelter from the sun and storm,
A stream is where all creatures lap and lave.

The chaparrals and baygalls shield the deer,
And close in fawn, bear cubs, and other
young;
The barriers of briers fence out fear,
Blithe hearts hold all songs that birds have
sung.
O leave God's creatures this last place that's
free
From worry, want, and dread of you and
me!

ADDRESS BY SENATOR COOK BEFORE LAW ENFORCEMENT OFFICIALS

Mr. PERCY. Mr. President, on August 12, I had the privilege of hosting a conference for 80 law enforcement officials from the State of Illinois. As part of the conference, my good friend the distinguished junior Senator from Kentucky (Mr. COOK), addressed the gathering and, if you will excuse the expression, he "stole" the show.

One of the reasons he stole the show was that he revealed again his sensitive regard for the enormous pressures being placed today on our policemen. The conferees knew almost from the moment Senator COOK assumed the podium that he had firsthand knowledge of their problems. And their intuitions proved accurate; for some 7 years just prior to being elected to the Senate, Senator COOK served as a county judge, having direct administrative responsibility for a 300-man police force. He knows the demands, he knows the pressures, he knows the sacrifices required, and he knows the enormous personal courage needed to take to the streets day after day.

Another reason why Senator COOK so impressed the conferees was that he demonstrated again both his deep personal desire to find the means by which crime can be brought under control and his commitment to stay within the confines of the Constitution in legislating and administering the law. He conceded early that the points of law may often be unclear as they pertain to specific, on-the-street situations, but urged that it must be every policeman's desire, as it must be every Congressman's desire, to adhere to the law as interpreted and handed down by our courts. Those who are charged with enforcing the law must abide by it, if anyone else is to be expected to.

Mr. President, Senator COOK was invited to address the Illinois Conference on Law Enforcement and Individual Rights because, as his Senate colleague, I have grown to respect and admire his understanding of the problems of crime control and his work in the Senate in this area. I am grateful for the message he brought to the conference. I ask unanimous consent that his remarks be printed in the RECORD.

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

LAW AND ORDER WITH JUSTICE

(By Senator MARLOW W. COOK)

Recently over 20,000 Kentuckians answered a survey in which they were asked to list the nine major domestic problems. Crime was first. Crime was first because crime affects almost every American.

In 1969, over 600,000 Americans were victims of crimes of violence—including 14,000 murders, over 35,000 reported rapes, nearly 300,000 robberies and over 200,000 assaults. Over four and one-half million Americans were victimized by theft. In the same year crime cost individuals and businesses over $31 billion.

In addition, every American whose local officials have been corrupted by organized crime, every American who pays higher prices because of racketeering and every American whose local taxes are raised for extra police protection is a victim of crime.

Every American woman who dares not walk alone, every American who flees our downtown areas at night and every American who double-locks and chains his door is a victim of crime.

That includes almost everyone.

But, as law enforcement officers, you know that. You know that the rapid increase of crime in our cities and states has deprived our citizens of their basic right to be free from fear. When this freedom is lost, our country is in serious trouble, and Congress must respond. The rampage of crime can be stopped now and I can assure you it is very high on our list of priorities.

President Nixon set the stage for a "War on Crime" in his State of the Union Message this year:

"If there is one area where the word 'war' is appropriate, it is in the fight against crime. We must declare and win the war against criminal elements which increasingly threaten our cities, our homes and our lives."

If we are to win this war which is tearing the fabric of our country, we must have new methods. Congress has and will be considering several bills which should make your job more effective.

Although crimes such as murder and robbery are essentially local problems, the federal government can play a large role in helping state and local agencies to coordinate their efforts. For example, Congress has felt it necessary to respond to the serious threat posed by the abuse of drugs. As law enforcement officers correctly analyzed, drug abuse is a root cause of many personal crimes. The Senate has recently passed an omnibus narcotics bill, the Controlled Dangerous Substances Act, which amends the narcotics laws to provide a new and comprehensive penalty structure. It also increases the scope of the warrant and arrest authority of agents of the Bureau of Narcotics and Dangerous Drugs.

This bill, of course, is just the beginning. Congress continues to be concerned. The use of dangerous drugs has permeated every level and age group in our society. The number of narcotics addicts in the United States is now estimated to be in the hundreds of thousands. I am alarmed that this includes children who are being introduced to the deadly habit in the hallways of our schools. While we must provide stiffer penalties for all pushers, those who ply their wares to innocent children must receive the stiffest possible penalties. I was glad to note that the Dangerous Substances Bill provides additional penalties for those who sell to minors.

As you are well aware, the addict's complete dependence on narcotics drives up the daily cost of his habit and he must commit crimes in order to support it. The alarming increase in street crimes in recent years is due in large part to the narcotics addict. I am firmly convinced that we cannot halt the crime wave until we provide stiffer penalties for the pusher, and better treatment for the addict.

Organized crime has gone hand in hand with drug abuse in permeating every segment of life. Certainly, I think you would agree, this is one area that cannot be tackled by local law enforcement officials alone. Individuals, businesses and communities all across the country are affected—yes, even controlled—by organized crime. The imprisonment of one Mafia leader or the breakup of one loan sharking operation does not bring to a halt the crushing power of the criminal syndicate. It continues to terrorize individual citizens who are too weak to fight the gangsterism of a powerful international organization. But the United States government *cannot* and *must* not be intimidated by the criminal syndicate. The federal government has taken one lesson from the syndicate. They have organized. The Justice Department has organized, state, local and federal agencies to fight the destructive and tragic effect the Mafia has had in America. You, as representatives of local law enforcement agencies must join with Congress and the Justice Department in a concerted effort to eliminate organized crime once and for all.

The Administration and Congress are urgently aware of this problem and have pledged the necessary funds and manpower to attack the Mafia. In his drive against syndicated crime President Nixon has moved to expand the efforts of the Organized Crime and Racketeering Section of the Justice Department which has been woefully understaffed. In addition, new strike forces have been created. This technique brings together a team of federal agents from a variety of agencies under the direction of the Organized Crime Section. The Organized Crime Control Act of 1969, which passed the Senate and is now pending before the House, embodies the President's recommendations on syndicated gambling, the protection of witnesses against organized crime and the regulation of litigation seeking to suppress the infiltration of legitimate organizations by racketeers. The criminal syndicate is probably the most difficult problem our law enforcement officers have to face. But Congress will, I am sure, do its part in authorizing the necessary funds and manpower to get the job done.

As you probably are aware, one key way in which Congress has responded to the needs of local police agencies is the Law Enforcement Assistance Administration. This agency administers block grants to states to finance anti-crime programs. This year Congress appropriated $268 million for L.E.A.A., an increase of $205 million from 1969. According to the Justice Department the bulk of these funds has been spent to hire and train police personnel and acquire new equipment.

These are just a few of the programs Congress has authorized to deal with crime. Authorizing such programs is not always easy because of the careful consideration we must give to the effect they may have on individual rights. While we want to stock our law enforcement arsenal with every legal weapon, we must never authorize any device which infringes on our basic individual liberties. Our freedom of privacy and freedom from governmental invasion simply cannot be abridged. The example which comes most readily to mind is the D.C. Crime Bill which recently was enacted into law over objections of a number of Senators. While the bill contained a valuable and desperately needed overhauling of the court system in the District of Columbia, the no-knock and preventive detention provisions so flagrantly violated Constitutional principles, I could not vote for the bill. I find it ironic that Congress

was willing to take from the people of the District of Columbia a right which we fought the Revolution to secure—the right of privacy in the home. I agree with Senator Ervin, the leading opponent of the bill, who said that that right is a basic liberty worth preserving from encroachment. I remind you in *Ker vs. California,* eight of the sitting Supreme Court justices, agreed that the obligation of an officer of the law to inform the occupants of the house of his presence and purpose constitutes an integral part of the Fourth Amendment. I am aware that we must find ways to prevent valuable evidence from being destroyed. But these means cannot invade the liberties guaranteed by the Constitution.

The D.C. Crime Bill also contained a legislative attempt to deal with the problem of crimes committed by defendants out on bail. The bill enables a judge at his own discretion to jail an individual who may be a danger if released. Like the no-knock provision, I felt preventive detention contravenes the Constitution of the United States. The main objections advanced by opponents are that the right to reasonable bail is abrogated and the guarantee of due process is denied. Gentlemen, you undoubtedly know that these two essential freedoms are assured Americans by the Fifth and Eighth Amendments.

The problems created by crime are great and frightening and in an attempt to solve them, we may on occasion pass laws which are unwise or impractical. But Congress must never consider laws which are unconstitutional. In protecting every American's right to be free from fear, we must also protect his right to be free from governmental invasion of privacy.

I believe Congress has had more success with the conflict between improving crime control and individual rights in its fight against obscenity. As the father of five children, I am deeply troubled by the salacious advertising minors receive in the mail. While I firmly believe the right to free speech includes the right to read what you choose, I do not believe it includes the right to mail unsolicited pornographic materials to our children. I am sure some of you have received calls from justifiably irate parents whose sons or daughters have received this filth. They will be glad to know that Congress is also troubled by this criminal activity and is considering ways to prevent this trash from reaching the mailboxes of our youngsters. The Juvenile Delinquency Subcommittee, of which I am ranking minority member, is considering a bill which would prohibit the use of the mails for the transportation of unsolicited obscene materials to minors. I co-sponsored that and two other bills designed to strengthen the obscenity laws without trampling on individual freedoms. I, for one, do not intend to let these smut peddlers make a profit from the innocence of our children, and I believe there is a way to do this without violating the First Amendment.

I can assure you that Congress is alarmed by the crime wave sweeping our country and recognizes the obstacles that must be overcome to end it. We appreciate the virtually impossible job that faces our understaffed and overworked law enforcement agencies. We are ashamed that you are the subject of much undeserved abuse and humiliation from a minority of our young people. We are concerned that our jails are overcrowded and our court dockets are filled. We worry that many of our citizens are either apathetic or unaware of the widespread operations of the syndicate. But at the same time, we must not allow our zeal in fighting crime to cloud our judgment and destroy our basic liberties.

Ending our crime problem will not be easy. It cannot be done by Congress alone. It cannot be done by the Justice Department alone. It cannot be done by local agencies alone. But, I am convinced that together we can reduce the crime rate. Then, once again America will be a place where freedom from fear is a reality.

ADDITIONAL DEATHS OF CALIFORNIANS IN SOUTHEAST ASIA

Mr. CRANSTON. Mr. President, between Monday, June 29, 1970, and Monday, August 17, 1970, the Pentagon has notified 58 more California families of the death of a loved one in Vietnam and Southeast Asia.

Those killed—

Capt. David W. Ayers, husband of Mrs. Linda M. Ayers, of Santa Susana.

L. Cpl. John F. Barnett, husband of Mrs. John F. Barnett, of Oxnard.

Sp4c. William R. Bonner, son of Mr. and Mrs. Roy D. Yarger, of Sepulveda.

Sp4c. Mark C. Brantley, son of Mr. and Mrs. Loyd F. Brantley of El Monte.

Sgt. Laurence G. Brown, son of Mr. and Mrs. Walter G. Brown, of Fullerton.

Sp4c. Mark J. Bush, son of Mr. and Mrs. Carl A. Bush, of Anaheim.

Sgt. James L. Campbell, son of Mr. and Mrs. James A. Campbell, of Northridge.

Sgt. 1c. Thomas A. Campbell, husband of Mrs. Sylvia A. Campbell, of Seaside.

Sp4c. George A. Capuano, son of Mrs. Ruth C. Capuano, of San Diego.

Gunner's mate guns 2c. William J. Cariveau, son of Mr. and Mrs. James L. Cariveau, of Santa Barbara.

Sp4c. Roger J. Carr, son of Mr. and Mrs. William F. Carr, Sr., of Fullerton.

Sp4c. Carlos Chavez, Jr., husband of Mrs. Dora A. Chavez, of Oxnard.

Pfc. Thomas L. Cusson, son of Mr. Henry J. Cusson, of Essex.

Sp4c. Manuel L. Dick, son of Mr. and Mrs. George Dick, of Coleville.

Pfc. Jerry O. Emerine, son of Mr. and Mrs. Elwood B. Emerine, of Benicia.

Pfc. John A. Garza, son of Mr. and Mrs. Candelario Garza, of Porterville.

Sp. Arthur F. Gleim, Jr., husband of Mrs. Dagmar E. Gleim, of Aptos.

Pfc. Steven T. Griggs, son of Mrs. Johnnie A. Trotter, of Atwater.

Sgt. Mervyn E. Hargraves, husband of Mrs. Kathleen F. Hargraves, of Santa Maria.

Sp4c. Frank S. Hernandez, son of Mr. and Mrs. Christino G. Hernandez, of Fresno.

Sp5c. John J. Hoover, son of Mr. and Mrs. Estle L. Hooper, of Ventura.

Builder 2c Nelson M. Hyler, son of Mr. Robert T. Hyler, of Monterey.

WO 1. Mark T. Jernigan, husband of Mrs. Andrea C. Jernigan, of El Centro.

Pfc. Greg Keller, son of Mr. and Mrs. Garland Keller, of Whittier.

Sp4c. Thomas D. Kloss, son of Mr. and Mrs. William J. Kloss, of Temple City.

Sgt. John A. Martinez, son of Mr. and Mrs. Elifieo Martinez, of San Francisco.

Sp5c. Larry J. Meador, husband of Mrs. Cynthia L. Meador, of Sacramento.

Pfc. Dale P. Meehan, husband of Mrs. Sherry D. Meehan, Edwards AFB.

Pfc. Wieland C. Norris, husband of Mrs. Melodye J. Norris, of Gardena.

Pfc. Jesus C. Nunez, son of Mr. Jesus C. Nunez, of Los Angeles.

Sgt. Richard M. Pearl, husband of Mrs. Felisa B. Pearl, of Sacramento.

Sp4c. Lawrence L. Petersen, son of Mrs. Dorothy A. Moseley, of Eldridge.

Capt. James A. Petrie, son of Mr. and Mrs. Michael J. Petrie, of Carlsbad.

Sgt. Thomas L. Poole, husband of Mrs. Christine L. Poole, of Hawthorne.

Pfc. Melvine L. Pullen, husband of Mrs. Winifred G. Pullen, of Santa Cruz.

Sp4c. Larry W. Rasey, son of Mr. and Mrs. Charles E. Rasey, of Taft.

Sp4c. William D. Rollason, son of Mrs. Janet D. Rollason, of Riverside.

Sgt. Donnie H. Russell, son of Mr. and Mrs. Euell L. Russell, of Tracy.

Pfc. David F. Santa-Cruz, son of Mr. and Mrs. Frank S. Santa-Cruz, of San Jose.

Sgt. William M. Scanlon, son of Mr. and Mrs. Hubert P. Scanlon, of Los Banos.

CWO Anto J. Schoepke, husband of Mrs. Judith A. Schoepke, of Santa Barbara.

Sp4c. William F. Settle, son of Mr. Foy L. Settle, of Richmond.

Pfc. Gareth M. Silver, son of Mr. and Mrs. James M. Silver, of Palo Alto.

1st Lt. Lauren W. Standring, son of Mr. and Mrs. Paul Standring, of Reseda.

Pfc. Curtis E. Stelzer, son of Mrs. Irene D. Stelzer, of Lodi.

Sp4c. Boyd A. Stephens, Jr., son of Mr. and Mrs. Boyd A. Stephens, Sr., of Mendota.

Pfc. Robert Velasquez, son of Mr. and Mrs. John P. Velasquez, of Los Angeles.

Sp4c. Michael P. Vullo, husband of Mrs. Kathleen C. Vullo, of Brea.

Capt. John L. Wadsworth, husband of Mrs. Elizabeth E. Wadsworth, of Claremont.

CWO2 Marvin L. Wagner, husband of Mrs. Barbara E. Wagner, of Sacramento.

Pfc. Robert W. Ward, son of Mrs. Geraldine B. Ward, of Concord.

Pfc. J. V. Watson, son of Mr. and Mrs. Jessie Watson, of Los Angeles.

Pvt. Thomas E. Watson, husband of Mrs. Katherine N. Watson, of Costa Mesa.

Sp4c. David G. Weber, son of Mr. and Mrs. Gerald A. Weber, of Chino.

1st Lt. Wiltse L. Weber, husband of Mrs. Lynda B. Weber, of San Luis Obispo.

Sp4c. Frank A. Webster, husband of Mrs. Alberta A. Webster, of Torrance.

Capt. David R. Weigner, husband of Mrs. Mary A. Weigner, of Santa Maria.

They bring to 4,193 the total number of Californians killed in the war.

APPEAL FOR STUDENT RESPONSIBILITY FROM NATIONAL TEENAGER OF THE YEAR

Mr. GURNEY. Mr. President, last May we witnessed a great expression of public sentiment against our cross-border operations in Cambodia. Much of this protest came from young Americans who at times demonstrated their criticism in an inexcusably irrational manner.

Such hysterical reactions to national policy decisions have prompted many American citizens to be skeptical of our institutions of higher learning and to be rightfully disturbed at the attitudes which appear to be nurtured on college and university campuses.

I would like to suggest that even at such a time of furious protestation, there were thoughtful, responsible students who were making intelligent comments

about the future of the Nation's university system. One of these young people was 18-year-old Ralph A. Penalver, the 1969–70 National Teenager of the Year.

Ralph lives in Miami, Fla.; he came to this country from Cuba in 1961. His selection marked the first time that an immigrant has been chosen as America's top teenager.

As the holder of this year's title, Ralph visited numerous campuses and talked at length with students, administrators, and faculty members. At the height of the dissent over our move in Cambodia, Ralph issued an appeal for an end to violence and a return to reason in academic communities. This perceptive editorial was aired over WTVJ, channel 4, in Miami. I ask unanimous consent that Ralph Penalver's remarks be printed in the RECORD.

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

AN OPINION FROM THE NATION'S NO. 1 TEENAGER

Each year, an outstanding teenager is selected from each state. From those winners a National Teenager of the Year is selected.

The holder of that title this year is a Miamian—18-year-old Ralph Penalver, a graduate of Christopher Columbus High School. He is now a pre-med freshman at the University of Miami. Penalver has been visiting dozens of campuses, speaking, listening and observing.

In view of the current turmoil in the nation's university system, we asked Ralph Penalver to present a guest editorial on the subject:

"Our universities have always been citadels of free expression and diverse ideas.

"During the past days, this freedom has been challenged by an authoritarian and powerful minority who have imposed their political beliefs on the majority seeking an education.

"Apparently, these groups of students have failed to grasp the purpose of a university.

"Debate, rational argument and free expression of all beliefs are the means by which we should find solutions to the problems we are facing. Violence from any source cannot exist in an academic atmosphere.

"We hear voices in the land expressing opposition without alternatives, finding fault but never favor; perceiving gloom on every side and seeking influence without responsibility.

"The time has come for intelligent, unemotional and responsible students to assume positions of leadership on our college campuses. We cannot tolerate a privileged elite destroying our educational system for their radical interests. Our universities, our institutions, are not perfect, but they are far too good to be destroyed and far too good not to be made better."

VISTA NEEDS FEDERAL BOOST

Mr. YARBOROUGH. Mr. President, since 1965 VISTA has sent thousands of young Americans and other concerned citizens into pockets of poverty in this country to root out the great injustices that afflict our poor. And though the program has had certain problems in the past few years, VISTA has brought to many of both the urban and rural poor a degree of the skills and capabilities prerequisite to the end of impoverishing conditions.

But now VISTA is in trouble. The President has failed to appoint a new director to run the program. Further, some 40 percent of the high jobs are either vacant or only temporarily filled. The failure of the White House in this regard to provide leadership and the apparent disinterest of this administration in rejuvenating VISTA's potential in the poverty-ridden communities have left the organization shaky, drifting, and weak.

The war against poverty, by far the Nation's weakest war effort, is not being won. VISTA needs to be bolstered and strengthened, not discouraged and diluted.

If the President of the United States sincerely does not want to be the first President in our history to lose a war to which the Nation has committed itself, I suggest that he take immediate steps not just toward the preservation of such efforts as VISTA, but also toward their intensification and growth.

Mr. President, I ask unanimous consent to have printed in the RECORD Colman McCarthy's article on page A18 of the Washington Post of July 27, 1970, entitled "VISTA and the Collision of Styles."

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

VISTA AND THE COLLISION OF STYLES

(By Colman McCarthy)

Until a few months ago VISTA (Volunteers in Service to America) was a unified and quietly well-run program. Since 1965, it had sent thousands of young people—as well as many of the middle and older-aged who rejected life on a shelf—into the places and scenes of American poverty. Despite the corruption and sickness of the system, and the way it tempts violence as the only means of change, the VISTAs wanted to work peacefully within it. Unlike many government attempts at compassion, VISTA was based on logic: since we send Peace Corps volunteers to serve the world's poor on the other side of the oceans, why not do likewise for America's poor on the other side of the tracks? Ghettos are in Lima, Ohio, not just Lima, Peru.

For the most part, the VISTA volunteers—paid about $600 a year—did their work well, stayed a year, perhaps two, then left. The returns on their efforts were often small, if not immediately diminishing. But at least the poor knew that someone from the washed and fed world cared—personally and with no speeches.

Lately, VISTA, with some 4600 members, has been a shaky and drifting organization. Under new management since the Republicans took office, the goals and style of VISTA are now the subject of a bitter fight that has no chance of being settled with in-house grace. All in all, disputes where ideologies, suspicions and methods are the issue, and not facts, neither side is all wrong or all right. Predictably, the long-haul losers will be the poor, not that it is ever any other way.

On one side is a large group of volunteers—as many as 500—who are meeting this week under the name of the National VISTA Alliance. Smaller groups have already met in Chicago, North Carolina and elsewhere. Their feelings were summarized by volunteer Richard Roose, Burgaw, N.C., who recently wrote to this newspaper: "It has become increasingly clear that the administration has initiated a deliberate and subtle campaign to render the VISTA program ineffective or altogether nonexistent."

On the other side are OEO director Donald Rumsfeld, acting VISTA director C. R. Lane and the White House where the shots are called. Rumsfeld and Lane, who are approachable, have met with dissenting VISTAs, but usually the meetings turned into arguments, not discussions.

Specifically, the collision of styles within the program mostly involves three recent events, two of which verify the "new directions" called for. First, Rumsfeld has repeatedly said that he and his new team are now stressing non-controversial ways of serving the poor—no more "community organization for the sake of community organization." Instead of these supposed confrontation tactics, volunteers should be recruited for and perform specific service activities. Second, Rumsfeld decided in April to end draft deferments for VISTA. Third, the White House has been unable to find a man to run the program, as well as staff for some 40 per cent high jobs now vacant or temporarily filled.

On the first point—de-emphasizing community organization—both sides have viewpoints that are easily understood. As head of OEO for a year now, Rumsfeld has learned the bitter fact that much of his work is in battling Congress for money. Ironically, he must regularly explain and defend OEO decisions to the same wolf pack of critics in which Rumsfeld himself, as a Republican congressman, once bayed for OEO's hide. He is also pressured by the White House cosmeticians to spruce up OEO and make it presentable to the Republican constituency that likes its social change quiet and tidy.

Beause community organization has been the one way the VISTAs have riled many congressmen—who hear the gripes from the back-home politicians, merchants and voters who accuse the volunteers of "agitating"—Rumsfeld can now state that he is cutting out this part of the program. As Lane said recently, "we are looking for a new type of volunteer who will work within the system and lower the noise level." Rumsfeld knows he loses friends in VISTA with this talk, but he is betting he will gain them in Congress, source of the mother lode.

The volunteers, who deal with lives, not budgets, see it differently. They learn quickly that poverty is invariably political and unless you organize the poor to seize their share of the power, you are just passing out Anacin. You treat the ache but not the sickness. Sargent Shriver, who delighted in the courage of VISTAs when he ran OEO, regularly received complaints from governors and mayors about volunteers. "Great," Shriver would often say, "That's a sure sign the kids are doing their job."

Many examples exist of community organizing that had a high noise level but also a high effectiveness. In Lee County, Ark., Dr. Dan Blumenthal, a VISTA physician, helped organize a cooperative health clinic. Blumenthal believed that medical care should be given to the poor not on the basis of charity—"we treat our Negroes fine down here"—but as a human right. This wild thinking angered much of the local power structure. The resulting noise is the same kind the Nixon administration is apparently now trying to quiet.

Another volunteer, Craig Robinson, beat the system at its own game when he organized a group of coal miners in West Virginia in 1968. He told them they deserved something better than getting the shaft from the coal companies. The organizing begun by Robinson led to the black lung movement of West Virginia, which further helped in the forming of the Coal Mine Health and Safety Act of 1969.

The Arkansas Gazette on June 29 summed up in a perceptive editorial the importance of arousing the poor; too often, they are not aware of their political powers, having all their lives been systematically encouraged to believe that local government buttressed by local capital was looking out for the best interest of everyone . . . VISTA workers in some communities have simply made the local poor aware of

what they are up against and how the democratic process can be put to work for them, just as it has been used by the economic power structure." The Gazette concluded that "some of the most insensitive criticism of VISTA has come from those communities that most need the kind of 'agitation' they contend the VISTA workers bring." On balance, the program, "has served the country well, it still has a great job before it if the poor of the country are to bring themselves nearer to what is often called in administration circles the mainstream of American life."

In ending draft deferments for the volunteers, Rumsfeld was within his rights. He reasoned that deferments "increase the exposure of draft-age men from poor families" and therefore OEO should be against that. Rumsfeld later eased the decree partly allowing those who already had deferments before April to keep them. But henceforth all others would be vulnerable.

Rumsfeld's decision quickly became a symbol to many volunteers that their leader was not looking out for them. "It showed us," said Mike Fox, an organizer of the National VISTA Alliance, "just how letter-of-the-law the men on top can be." As for being a gesture to the lower-class and poor, it is questionable what the Rumsfeld decision means. A thousand or two more eligible draftees will hardly effect the pattern that the poor get drafted first and the affluent last, if at all.

The third reason for volunteer discontent—that VISTA is now in its third year without a director to run the show—means that morale suffers. Other agencies, like the FTC, can go on indefinitely without a leader, but one like VISTA, where the troops are in it for other reasons than job security and money, a popular and charging man out front is essential. But that's the trouble. The administration, say the activists, doesn't want someone popular and charging since he would only become another flame to keep the VISTA pot boiling.

What comes through from the current eruption is the needlessness of it all—as if suddenly there wasn't enough poverty to go around. The administration could easily have kept on the former VISTA director, Padraic Kennedy, who was experienced and fair-minded. But he was a Democrat, so he got the gate. On the draft, Rumsfeld could have avoided taking a stance. Peace Corps volunteers get postponements, why not VISTAs? Moreover, many think the nation should be grateful to young men who want to save America rather than saving Thieu and Ky.

On the final issue—organizing power blocs—Rumsfeld's "new directions" may be right after all, though in a way he did not imagine. Many of the more frustrated volunteers are seeing that VISTA is a waste of time. First, more than a few of the poor are so suspicious of the Nixon administration that anyone working for them, even in VISTA, is also suspect. Second, many volunteers are realizing that you can't effectively organize power in a community in just one year. A lifetime commitment is needed, not a short sabbatical from Scarsdale. In fact, if a volunteer were realistic, he would avoid the idea of community organizing on the simple grounds that he is still too green to take on the local power gang. Better to spend the year toward getting a medical or law degree, or entering politics, or acquiring a similar talent, so that when one does help organize the poor and take on a crooked establishment, his ideals will be backed by hard skills and roots.

There is nervous talk that VISTA has had it. The events of this week, and the reaction of the administration, will tell much. One thing is sure. If the current toning down of VISTA is meant to discourage the political activist from joining up, officials needn't worry. Activists do not join VISTA—they are made by it.

PORTLAND ECONOMIC WOES DESCRIBED BY NEWSMAN

Mr. HATFIELD. Mr. President, the Baltimore Sun recently published articles detailing the effects of the current economic slowdown in middle-sized cities across the country. Portland, Oreg., was one city described in a well-written article by Art Pine.

As I have stated many times before on this floor, our State's economy has been hurt greatly by the administration's economic policies. Mr. Pine puts this in succinct form. He states:

Over the past 12 months, Portland has suffered some wounds from each of the weapons in the administration's economic arsenal—tight money, defense cutbacks, business slowdown—and in the process, it has lost 15,000 of its 467,000 jobs. On the surface, the battering seems brutal.

I certainly concur with Mr. Nixon's goal of ending inflation in the United States. I think this excerpt from the article shows why I disagree with some of the President's particular steps in cooling the economy.

Every Oregonian with whom I speak describes its effects on him, his family, and his job, profession, or business.

Inflation must be halted. I will not repeat what I have stated before concerning the Vietnam war's economic effects, both in absolute dollar terms and in economic terms. Cutting our military budget also would cool the inflationary fires, as I said last week before the ABM vote.

I ask unanimous consent that this fine article by Mr. Art Pine, published on the front page of the Sun, be printed in the RECORD.

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

ONLY EXPORTS BOLSTER PORTLAND

(By Art Pine)

PORTLAND, ORE., August 16.—The economic slowdown over the past 14 months has hit this coastal city from all sides except the sea. Its domestic-tied industries—forest products, electronics, and metal-fabricating—all are down. The only figures to go up have been exports—and unemployment.

Since the administration began its cutbacks, the jobless rate here has virtually doubled, reaching a whopping 6.0 per cent last month. Two weeks ago, the Labor Department added Portland to its list of 23 veritable disaster areas. Thousands have been laid off.

Still, as is seemingly the case in most such communities, Portland's economists and business leaders are not yet ready to call it a real recession. "Things aren't good," one analyst here conceded, mulling over the unemployment figures. "But," he added, "they certainly have been worse."

Time was when this foothill-studded city of 378,000 depended almost solely on its lumber industry for economic sustenance. "When housing was up, Portland was up," one economist here recounts. "When construction was in a slump, the economy here hit zero."

OTHER INDUSTRIES NOW

In recent years, the abundance of seaport facilities along Portland's factory-rimmed Willamette river has brought a diversity of other industries into the economy. The problem is, by happenstance, that the thrust of the government-induced slowdown has hit the new ones as well as the old.

Over the past 12 months, Portland has sufferred some wounds from each of the weapons in the administration's economic arsenal—tight money, defense cutbacks, business slowdown—and in the process, it has lost 15,000 of its 467,000 jobs. On the surface, the battering seems brutal.

As early as last summer, the tightening of credit and the sharp boost in interest rates already had knocked the bottom out of the housing market, cutting deeply into Oregon's shaky lumber industry and slowing construction to a rate that eventually would squeeze out 4,000 jobs.

Five months later, the cutback in defense spending had taken the steam out of the city's $40 million shipbuilding and vessel repair industry, all but emptying the huge drydocks at the Swan's Island marine yards—and sending 1,000 workers to hunt for new jobs before the end of last month.

By mid-February, the cut in corporate profits has deprived barge and freight-car manufacturers here of badly needed new contracts, while the slump at the Boeing Company in nearby Seattle squashed a major market for subcontractors and electronics firms. Manufacturing jobs dropped sharply.

Finally, a spate of labor disputes, both in and outside Oregon—combined with a shortage of materials due to delayed deliveries in the wake of the truckers' strike—seriously interrupted production throughout the Portland area. To top it all off, the downstate strawberry crop came in bad.

When the tab eventually was totaled, Portland had suffered heavy employment losses in its once-thriving manufacturing sector, construction had fallen off by 33 per cent, electronics firms were reporting business down as much as one-half, and metal fabricating slowed to a halt.

Worse yet, the series of setbacks had hit some industries so hard that some workers still have not found new jobs. The rate of persons who have used up their entire 26 weeks' unemployment compensation now is double its 1969 levels. Some 700 men a month are cut off without benefits.

To be sure, such a wide-spanning drop in nearly every one of Portland's manufacturing industries is not to be dismissed. The layoffs, when they have hit here, have been especially severe. A welder released from a ship-repair firm is likely to be unable to transfer to boxcar manufacture.

A 31-year-old maintenance electrician, laid off from his $172-a-week job at a marine yard last May, has been unable to find new work despite 3½ months of a day-to-day trying, and has had to eke along on a $55-a-week unemployment check—and relatives' loans—to support his family.

ANOTHER EXAMPLE

Another plant-worker, 63, spent four months looking for a job after he was dropped from a ship-repair firm's payroll when he broke an arm last March. He now works for a steel fabricating plant, but lost $2,300 in the process before he found work.

Still, as in other American cities which seem to be hard-hit by the slowdown, except for those persons who actually have been laid off from jobs, the downturn has meant little more than occasional inconvenience—cutting back on travel plans, putting off buying a house.

Portland's attractive downtown business section still brims with shoppers carrying armfuls of packages that belie any talk of a serious recession. While merchants report buyers are more price-conscious, only the luxury-item stores are off more than 3 or 4 per cent.

And while residential construction admittedly is in a slump, no such thing is true for commercial building. The city is filled with cranes operating feverishly to erect new skyscrapers. Bank deposits are down some 8 per cent, a vice president reports, but another banker says they are not down at all.

NOT ALL IN DOLDRUMS

Further, nowhere near every industry in Portland is in the doldrums. The fast-expanding service companies as maintaining a

moderate growth, and exports—which account for 8 per cent of Portland's economy—are up $60 million so far this year, about a fifth above 1969 levels.

Mrs. John Trout, a thirtyish housewife in Portland's northeast residential section, is pained more than by inflation than by the impact of the slowdown. Her family's decision to postpone buying a new car again this year, she said, was dictated more by interest rates than by any loss of income.

Despite the gloomy economic indicators, Portland's top business-watchers are more optimistic than might be expected about the outlook for the coming year. Certainly, they concede, the unemployment rate may rise a little more, and the economy will stay flat—but only for a few more months.

Rather, they are nearly unanimous in pegging the future of the city's economy to the performance of its old staple, the forest products industry. And, they note hopefully, the housing market—which keeps the lumber-mills humming—already is showing signs of turning up.

THE LOCKHEED C–5A PROGRAM

Mr. TALMADGE. Mr. President, during debate on H.R. 17123, the military procurement authorization bill, several Senators have referred to the Lockheed C–5A program as one of the worst examples of waste in defense spending.

It is unfortunate that the critics of the C–5A program have chosen to ignore a great many essential facts. I believe that an article in the August 17 edition of Barron's weekly has done an excellent job of putting the C–5A program in perspective. It points out the contribution that Lockheed has made and continues to make to our national defense and it also emphasizes the fact that the C–5A program is not the worst example of cost overruns.

Mr. President, I ask unanimous consent that the Barron's article be printed in the RECORD.

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

TARGET: LOCKHEED—SENATOR PROXMIRE'S ESCALATED WAR IS INDEFENSIBLE

During the past half-century, Lockheed Aircraft Corp. time and again has made aviation and aerospace history. Back in the 'Twenties, Captain George Wilkins flew over both the North and South Poles in a Lockheed Vega. Wiley Post's world-girdling "Winnie Mae" was a Vega, as was the craft in which Amelia Earhart soloed across the Atlantic. Lindberg flew a Lockheed Sirius over the Bering Sea to Tokyo, while Howard Hughes set his round-the-world record in a Lockheed Super Electra. During World War II, with the help of Rosie the Riveter, the Burbank firm mass-produced 20,000 combat planes, mainly the P–38 fighters that shot the Luftwaffe out of the skies. In Korea, Lockheed's F–80 Shooting Stars did the same to Russian Migs. Lockheed built the U–4 spy plane and the F–104 fighter; since 1952, the latter has been the mainstay of NATO's air defense. Its Agena rocket was the workhorse of the space program throughout the 'Sixties, with 250 successful launches. The Polaris submarine-fired ballistic missile, on which Lockheed completed development work two-and-a-half years ahead of schedule, for a decade has been an essential element in this country's nuclear deterrent. Now it is being phased out by the Lockheed-made Poseidon, which is technically superior to anything in the Soviet arsenal. After Poseidon's first under-water test launch a few weeks ago, a Russian tracking ship nearly crashed into a U.S. destroyer as it raced to pick up some hopefully telltale debris.

Survival of Lockheed as a going concern is clearly vital to the national security.

Main target of the attack is the C–5A Galaxy flying freighter developed by Lockheed for the Air Force, on which the company is accused of huge cost "over-runs." A $200 million item in the $18.9 billion Pentagon weapons procurement bill now before the Senate, which would assure uninterrupted production of the planes through mid-1971, has been labeled a "bail-out" for Lockheed. Senators Proxmire and Schweiker (R., Pa.) are trying to push through an amendment which, in effect, would bar use of the money unless Lockheed goes broke.

Such an outcome, to be sure, would make the Senators heroes in the eyes of all who seek to dismantle U.S. defenses and achieve "peace in our time" through unilateral disarmament. It also would take some of the heat off those responsible for the real scandal in Pentagon procurement—General Dynamics' ill-starred F–111, sometimes known as the Flying Edsel. For the nation as a whole, however, the demise of Lockheed would be a singular tragedy. To begin with, the taxpayer, whose interests Senator Proxmire claims to be protecting, would be dealt a severe blow through delays in production of the C–5A, which happens to be the one weapons system designed to trim the cost of meeting defense commitments. (Once it is deployed, whole divisions can be brought home from Germany or South Korea, at savings estimated at up to $2 billion annually. Yet, since in an emergency the plant could transport them and their equipment back in a matter of hours, it would enable the U.S. to maintain a "remote presence" where needed.) Moreover, since Lockheed is five times the size of the Penn Central (in gross annual revenues), collapse would send shock waves through the business and financial communities. Finally, an organization of unique technological capability, critical to the safety of this country, would be thrown into disarray or lost forever.

What has reduced the once-mighty Lockheed to such a parlous state? "Bad management," avers its Senate critics. The charge can easily be made against any company in difficulties, and Lockheed must shoulder its share of blame. Nevertheless, the company's long record of achievement, from the Vega through the Poseidon—and by no means excluding the C–5A, which flight tests show to be a great success—leads one to look further. No need to go beyond Secretary McNamara's Pentagon, which, among other sins of commission, foisted upon Defense suppliers a new buying system called TPP—total package procurement. Previously, in contracting for a new weapons system, the Pentagon let contracts in two stages: the first provided for development, design, engineering and testing, on a cost-plus basis; the second, covering production, was usually fixed price incentive. Officials held that no contractor called upon to design a new weapons system could possibly know in advance what his costs would be; only the government could carry the risk inherent in a DDET contract. Under TPP, however, the contractor first had to invent the product on a fixed-price basis. The C–5A was the first and most disastrous of the TPP contracts. (Recognizing the absurdity of the system, Secretary of Defense Laird is now in the process of overhauling the Pentagon's procurement stance, in essence, going back to the old system.)

Lockheed's original bid in 1965 for development and construction of 120 planes was $3.4 billion. Under the TPP plan, that was a "target price," subject to revision as warranted by changing conditions. Four years later, when the storm over "cost over-runs" broke, Lockheed was accused of having "bought in" the C–5A contract by bidding too low, assuming it could raise the ante later. If that was the strategy, however, the competition adopted it, too; all three bids on the C–5A were within 3% of each other. While costs undoubtedly spiraled, Lockheed officials deny they were at fault. The real villain of the piece, they say, was inflation, notably virulent in the aerospace industry, where orders for jet transports piled atop defense and NASA business to strain capacity and push up costs. Other elements included DOD insistence on higher performance characteristics than called for in the original specifications, a cutback in total orders, from 120 to 81 planes, which gave Lockheed less room to recoup on the production run; and higher-than-expected development costs.

Despite all the foregoing, cost escalation has been a great deal less than claimed by Lockheed's critics. Assistant Defense Secretary Packard told the Senate Armed Services Committee in May that he now expects the total tab for 81 planes to reach $4.5 billion; Lockheed has offered to deliver as many more as the Pentagon wants at $16 million each. That would bring the price for 120 aircraft to $5.2 billion, or 53% higher than the target set in 1965. By contrast, a Harvard Business School study of 12 major weapons systems showed that the average cost over-run was 220%. More recently a torpedo built under a TPP contract came in at 2,000% above the bid price.

Costly or not, the C–5A, in the words of a test pilot who flew it, is "one hell of an airplane," fully capable of carrying out its "remote presence" mission. The world's largest plane, it can load up with more than 100 tons of military equipment and fly to Europe non-stop at 500 miles per hour. Once there, it can land on a dirt runway only 1,200 feet long, or parachute the whole cargo out of its tail in 15 seconds. Coming in for a landing in zero-zero weather, all the pilot need do is take his hands off the controls and let the craft land itself. It carries a malfunction detection system that monitors 800 other systems in the plane, prints out a warning when anything is about to go wrong, and tells the crew how to fix the trouble. If the necessary spare parts aren't aboard, it sends a message ahead to the nearest parts depot and orders them. It carries its phenomenal cargoes at a cost of 2.5 cents per mile, half the cheapest air cargo rate currently available. Designed to be directly competitive with truck and rail transport, a non-military version, shuttling back and forth on a trans-continental run, could carry as much cargo as two 110-car freight trains.

Lockheed has taken its lumps for the cost over-run, writing off a pre-tax loss of $180 million on the C–5A last year. It claims that under provisions for cost escalation in its contract, the government owes it roughly $600 million. To collect, the company has taken its case to the Armed Services Board of Contract Appeals, where no decision is likely until late next year; then, if further appeal to the courts is called for, the delay could stretch into 1973. Rather than going through that snake dance, Lockheed and the Pentagon have agreed to negotiate a settlement; the procurement bill now before the Senate allocates $200 million as a contingency fund to meet whatever claims are allowed, plus another $344 million for regular payments on the planes as they are turned out. In addition, under the Defense Production Act extension already voted by Congress, the government proposes to grant Lockheed a $100 million V-loan. The heart of the issue, though, is the $200 million contingency fund, which Senator Proxmire labels a "bail-out" and Lockheed insists it must have if production of the badly-needed C-5A is to continue. The Wisconsin lawmaker is trying to amend the procurement bill to allocate the $200 million only if (1) the money is awarded Lockheed by the Board of Contract Appeals, or (2) if Lockheed goes into bankruptcy and a court-appointed trustee says the money is needed. Since there is no chance that the Board could act before year-end, the amend-

ment is a not-too-subtle device to force Lockheed to the wall.

Such a disaster would ripple far and wide. For Lockheed only now is flight testing its new L–1011 jet airbus, to finance the development of which a number of customers, notably TWA and Eastern, have put up about $150 million in advance payments. Moreover, a group of 24 banks has extended a $400 million line of credit, $320 million of which has been taken down. Lockheed concedes that "part" of the latter sum (other sources say about half) has been used to keep the C–5A and other programs rolling. Before shelling out the remaining $80 million of credits for the L–1011, the bankers want to see the color of the government's money. If it is not forthcoming (or if, as Senator Proxmire demands, Lockheed must go into bankruptcy first), the whole L–1011 program might crack up. With it might go creditors and customers alike.

Not long ago, we urged Washington to abandon its plan to save the beleaguered Penn Central, which subsequently plunged into bankruptcy. In that case too, the sum at issue was $200 million. We argued then that the rescue would do more harm than good, weakening the campaign against inflation and rewarding the mismanagement responsible for the Pennsy's plight. Lockheed, however, is a very different matter. The big aerospace firm has been brought to the brink of disaster less by its own mistakes, which of themselves would probably not be fatal, than by those of the Pentagon. The latter, in effect, first compelled its supplier to assume incalculable risks. It then proceeded to escalate a simple contract dispute into a matter of corporate life-and-death. The whole affair, finally, has been exploited unmercifully by legislators all too willing and eager to make political capital at the expense of the national security. The so-called military-industrial complex may have its flaws; if it weren't on the job, however, the U.S. government, including Senators Proxmire et al., would be out of business.

THE RESTORATION OF ACADEMIC AUTHORITY—ESSAY BY DR. ROBERT NISBET

Mr. ALLOTT. Mr. President, while the President's Commission on Campus Unrest—the Scranton Commission—continues its noisy trek around the Nation, the editorial page of the Wall Street Journal continues to serve as a forum for those who are more interested in shedding light than in generating publicity.

Today's edition of the Journal carries a wise and calm essay by Dr. Robert Nisbet, professor of sociology at the University of California, Riverside.

Dr. Nisbet is one of this Nation's most distinguished sociologists. His writing reflects the sobriety and urbanity of De Tocqueville, to whom Dr. Nisbet acknowledges a scholarly debt. His opinions on academic matters have been conditioned by a decade of experience in university administration. His article on "The Restoration of Academic Authority" should be of interest to every Senator.

So that all Senators may profit from it, I ask unanimous consent that it be printed in the RECORD.

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

THE RESTORATION OF ACADEMIC AUTHORITY

(By Robert Nisbet)

All of a sudden the word *authority* has become popular in even liberal circles of the academic world. The prospect of the coming academic year is not a pleasant one at Berkeley, Harvard, Columbia, Michigan and other major universities in the land. Memory is too vivid of the kinds of happenings last spring on these campuses that were direct, calculated responses to Cambodia and Kent State. If each of these events was sufficient reason for a scuttling of the curriculum and jettisoning of courses in the name of "reconstruction" or "reconstitution," there can hardly fail to be other, equally evocative reasons forthcoming from the New Left to justify additional scuttlings and jettisonings around the country. Nothing generates causes of revolt and insurrection like the presence of a permanent cadre of left militants seeking causes.

How do we account for sudden affection in liberal hearts toward academic authority and its resuscitation on the campus? First, the sheer fatigue occasioned by militant causes. There have been too many of them for too long. Each, with its inevitable rally, demonstration or picket line is a form of violence—verbal and emotional if no other—and hence an assault upon the contexts of genuine teaching and scholarship.

Second is the mounting fear among even the most sanguine of faculty that public patience may be running out; patience with the university as an institution in our mass democratic social order. Great societies and periods of history have existed before in human history without universities; they certainly can again. Despite the well-sown myth of the university's indispensability to our technologically advanced society, there are other, existing sources of such knowledge needing only to be developed and multiplied. They will be cheaper and more efficient, being unhampered by the plethora of ranks, privileges and immunities that go with the essentially guild-like quasi-aristocratic, Middle-Ages-sprung university. What the university in America had to offer was not unique manufacture of knowledge, but a unique structure of authority resident in a unique intellectual community. Very little else.

Third is the current state of academic freedom on the campus. Freedom to teach and learn is the principal casualty of events such as those which began at Berkeley in 1964 and reached a high point last spring after Cambodia and Kent State. When authority collapses in an institution, the scene is invaded by a host of petty tyrannies, no single one of them decisive by itself but, taken in the aggregate, capable of fettering inquiry in the classroom and, in the long run, of extinguishing free intellectual life on the campus. Such tyrannies range from direct violence through the semi-violence of building-blockades and picket lines all the way to the doubtless endurable but nonetheless corrosive emotional violence contained in public obscenity, epithet and relentless political pressure.

Add to these tyrannies the incessant rounds of faculty and committee meetings, not to mention conferences with students—whose capacity to be listened to is one of the great natural forces in the universe—and, all too clearly, the life of reason is made insecure at best.

One detects also a rising weariness, even among faculty members, with the kind of explanation of student insurrections that has become standard to the point of staleness when university presidents are consulted by members of Congress, by Presidential commissions and trustees. Viet Nam, black civil rights, the draft, imminent unemployment for some and the revolutionary ferment of modernity have been, by now, overplayed. It is too easy for many of us to recall the depression-grounded, Fascism-obsessed, unemployment-haunted and revolution-prone 1930s. Despite the swirling currents of national and international change, campuses were not then settings of vandalism masquerading as social idealism.

The student-faculty insurrections of the 1960s did not break down academic authority. *It was the prior breakdown of authority that caused the insurrections.* This breakdown had begun in the 1950s, the result of profound economic and social changes that disrupted the academic community and of a steadily rising internal politicization that fragmented traditional authority. In retrospect it is possible to see that even had there been no issues of Vietnam and of civil rights, no "malaise of student soul before technology," insurrections in the 1960s would surely have occurred. Everything we know about insurrectionary and delinquent behavior suggests that "reasons" can always be quickly manufactured. What is alone sociologically crucial, however, is prior extreme *liberalization and democratization of traditional authority.*

So high even at the present moment is the correlation between faculty-student outbursts on a campus and immediately prior—and substantial—increase in what has become dignified as "participatory democracy" that one may successfully predict in terms of this correlation. Over and over one finds that the worst and most prolonged of insurrections occur precisely where grants of governing authority to students and faculty have been greatest.

All of this is becoming clear to the great majority of faculty—the majority that chooses to be in class, to teach from scholarly competence, not revolutionary impulse, and that cherishes the academic community. Hence the rising demand for restoration of authority on the campus. Not only academic freedom but academic life hangs in the balance.

Instant authority is, however, no more possible than instant freedom. It would be very nice if the structure of academic authority, as this was known for so many decades in the American university, could be put together again; overnight; by majority vote of the faculty. But it cannot. That structure of authority was too fragile, too much the product of consensus, and of accepted academic role by all concerned, to be expected to rise now, Phoenix-like out of the ashes of the 1960s.

No other major institution in modern history has existed with the minimum of formal regulation and of contractual detail that one found in the university town until the late 1950s. It was unnecessary to *prescribe* meeting of classes for faculty. Potent though this structure of authority was, it was yet so finely drawn, and so much a part of the very atmosphere, as to be nearly invisible. Thus the essential character of the academic community; thus the special nature of academic freedom.

Such structures of authority, however, have one fatal weakness. Once seriously challenged by a militant minority, or subjected to chipping away by repeated acts of defiance by individuals, they cannot stand very long. They are vulnerable to even the feeblest and most jejune of attacks: Those such as the one mounted by Mario Savio and a few students at Berkeley in 1964. Once such structures are flouted, they are destroyed. Once destroyed they cannot be put together again.

It seems extremely unlikely therefore that present circumstances are likely to produce anything but new forms of *power* on the campus. Power, unlike the king of authority I described just above, is at once more personal, more direct, more detailed and more formal. Although most persons tend to think of *freedom* as the consequence of eroding authority in a culture, this is not the case, for freedom cannot exist save in circumstances of accepted authority. *Power*, not freedom is the invariable response in history to conditions of shattered authority. The history of the modern national state can be written in terms of the declining authori-

ties of other, older, traditional forms of authority in society.

What kinds of power can we expect to see on the campus as the condition of the minimal order required by academic performance in classroom, study, and laboratory? Let us overlook the repressive laws passed last year in 32 states, aimed at faculty-student disorders. We may take these for granted. An academic liberalism unable to distinguish between the authority of a dean or department chairman and the power of the legislature was bound to get ever larger dosages of the latter.

Let us also pass over the relentless increase in size and technical effectiveness of campus police forces. Let us, accepting the legislative and police powers as obvious by now, turn to other manifestations of power that will be vivid during the coming academic year. These are bound to have far more impact, upon the nature of the university in America than can legislature and police which, after all, only seek to maintain civil order, not reorganize the university.

The first and crucial manifestation will be increased participation of boards of trustees, *conservative boards, through effective majorities,* in academic, including curricular affairs on the campus.

One may regret this, as I do, for the history of trustee intervention in academic matters is surely a checkered one. But the lay board *is* sovereign in American colleges and universities, and the pressure of public opinion, of government officials, and, most assuredly, of alumni groups will make such intervention certain.

Such trustee intervention will touch areas heretofore sacred to faculties: Areas of appointment and promotion, of academic admissions, of academic tenure, and most especially, curriculum. For it was, as noted above, the seeming devastation of curriculum on the university campus last spring, in the wake of Cambodia and Kent State, that aroused public and government to a degree of alarm that nothing prior had been able to achieve.

None of these is an area in which trustee judgment is ordinarily very good. Trustees lack the qualifications of experience and of insight that can come only from experience. But trustee intervention will nevertheless take place in rising volume. One may hope that such intervention will quickly translate itself, time and crisis permitting, into more or less institutionalized, reasonably stable, channels. But who can be optimistic in times such as these?

The second major manifestation of power on campuses accustomed to, and now longing for, traditional academic authority will be—already is—*a striking increase in administrative management of all spheres of academic life.* University presidents are becoming stronger. The striking example set by President Hayakawa at San Francisco State a couple of years ago has virtually revolutionized trustee, alumni, and public conception of what a university and college president should be. The search for stronger presidents is, plainly, already on. Individuals of Mr. Hayakawa's combination of academic knowledge, temperamental buoyancy and fortitude are perhaps not common. But they exist—and in university faculties! It will not be necessary to go to industry, military or foundations for such persons, which is always a self-defeating mistake inasmuch as their ignorance of the details—the ever-vital details—of academic society makes them the prey of every academic charlatan on the campus.

But strong presidents cannot exist unless there are strong *presidencies.* Trustees appear to be seeing to that even as I write. One surmises that in many an institution only one instruction will be given a new president: Maintain academic and civil order. If he can do that, all gaucheries and sins in other respects will be overlooked. If he cannot do that, no amount of scientific, scholarly and professional distinction will save him for long.

With strong presidencies there will go strong administrations: Strong provosts, deans and department chairmen. One can trace much of the decline of academic authority in the American university after World War II through the degradation of these administrative positions, especially that of the all-important department chairman.

With strengthened administrations there cannot help but result substantially weakened faculties—I mean *politically* weakened faculties. This may have its advantages, for there are many teachers and scholars who believe faculty political strength is nurturing culture for permanent faculty politics. There is much evidence to support the view that the best of faculty, assessed by scholarly and teaching distinction, stay the farthest from the weird combination of Jacobin democracy and Byzantine bureaucracy that American university faculties have delighted in constructing during recent times. Such individuals elected academic life to teach and do research; not run for office. In academic *politics,* borrowing here from Yeats, the best do indeed lack conviction and the worst are filled with passionate intensity.

These are, I think, the major changes likely during the coming year or two. Among other changes, for good or bad, will almost certainly be abolition of tenure. Tenure came into being at a time when the university teacher was at about the level, in social and economic strength, of the country parson. No one would confuse the prestige, power and affluence of the university professor today with anything in the clergy. And the university is but a small part of the very large intellectual establishment in this country. Nowhere else in the intellectual establishment are mediocrity of mind, laziness and calculated subversion of role reinforced by the mystique of tenure. Tenure in the great universities has been for some time an anachronism. It will, I predict, shortly become a memory. The "reconstitution" and "reconstruction" of curriculum last spring made that inevitable.

There may be still other changes: For example the clearing from academic scene of the jungle of overgrowths in the forms of expensive, distracting bureaus, centers and institutes which have arisen under the university's Faustian assumption of role of Chief of Research Establishment, of Super-Humanitarian, of Patron of All Arts, of Adjunct Government to Washington, of Benign Therapist to identity-searching youth and of Loyal Revolutionary Opposition.

Each role is indeed an attractive one. But taking them together, it is difficult to imagine much teaching and scholarship getting done or an academic community existing. And, who knows, maybe as a consequence of these changes the university can commence the slow ascent once again of academic Olympus, to become once more an intellectual community, built around the learned disciplines and professions, rather than what it now so plainly is: Mere microcosm of society; expensive and unneeded microcosm of society.

TESTIMONY ON AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, it is unfortunate that the Senate Armed Services Committee hearings on the draft have been postponed. With the issue of voluntarism at hand, I would like to bring to the attention of my colleagues the testimony of several individuals which was prepared for these hearings.

I ask unanimous consent that the testimonies of the following be printed in the RECORD: Mr. Patrick E. Gorman, international secretary-treasurer of the Amalgamated Meat Cutters and Butcher Workmen—AFL–CIO; Mr. John de J. Pemberton, Jr., executive director of the American Civil Liberties Union; Mr. Sanford Gottlieb, executive director of A Citizens' Organization for a Sane World; Most Reverend Antulio Parrilla Bonilla, of Puerto Rico's Committee of Resistance to Compulsory Military Service; and Mr. Thomas Lindley.

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

STATEMENT OF PATRICK E. GORMAN CONCERNING THE DRAFT REPEAL AMENDMENT

My name is Patrick E. Gorman. I am the International Secretary-Treasurer of the Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO). Our Union's headquarters are at 2800 N. Sheridan Road, Chicago, Illinois 60657.

The Amalgamated is a labor union with more than 500,000 members organized in about 700 local unions throughout the United States and Canada. The Amalmagated and its local unions have contracts with thousands of employers in the meat, retail, poultry, egg, canning, leather, fish processing, sugar and fur industries.

UNUSUAL CIRCUMSTANCE—UNUSUAL PROCEDURE

Our Union participates in the legislative process regularly by making its views known before Congressional Committees. Representatives of the Amalgamated Meat Cutters and Butcher Workmen testify perhaps two dozen times each year in hearings on a variety of public issues.

Our testifying by writing a statement specifically for introduction into the *Congressional Record* is admittedly unusual. We regret that this procedure is necessary because hearings on this very important legislation have not been held by the Committee on Armed Services. We had understood that during the 1969 debate on limited amendments in the draft laws, the Committee had publicly assured the Senate that thorough hearings on the conscription laws—their possible repeal or reform—would be held this year. Unfortunately, those hearings have not been called.

DIVISION AMONG AMERICAN PEOPLE

We are making this statement to support Senator Mark O. Hatfield's amendment to the Military Procurement Act to repeal the current draft laws and institute a volunteer army. We take this position because of the deep concern about the extreme division and mutual hostility which currently exists among the American people. We believe the draft furthers this division which is tearing our nation apart. Conversely, we believe, an end to the draft will remove a major point of bitterness and an important cause of hostility among various groups of Americans.

On June 4, the Executive Board of the Amalgamated adopted an important policy statement, which is entitled, "One Nation under God, Indivisible, with Liberty and Justice for All." In it we stated the problem as follows:

"The most tragic and potentially the most dangerous of the many critical problems now facing the United States is the increasing division and mutual hostility among the American people. The nation appears to be losing not only its senses but also its confidence and faith in itself. The people are being fragmented into antagonistic groups which are increasingly willing to resort to or condone violence in competing with each other.

"Competition between groups in American society is certainly not new and it is healthy.

But the new attitude of individuals and groups in carrying out this competition poses extreme national dangers. Discussion, compromise, a belief in common standards and trust in the goodwill of others seems to be increasingly disregarded.

"Instead, some parts of the American people see other parts as absolute enemies with whom no accommodation can be reached. Groups fear for their very existence unless their point of view prevails completely. Each antagonistic faction sees itself outnumbered and misunderstood by all the rest of the nation and it believes it can assert itself only through fighting."

In the policy statement, we recognized the responsibility of the leaders of our Union—as well as all Americans who have any sort of leadership position—to deal with this problem. We outlined a number of steps we are taking to combat the antagonisms in which workers are involved.

CLASS DISCRIMINATION

The draft is one of the many causes for the division among the American people. The unfairness of the draft is causing outrage among young workers and their families. They feel that because they do not have the money to go to college, they must bear most of the burden of serving the nation. And they are right!

The draft currently discriminates against workers. It discriminates against those who are not wealthy enough to go to college or be sent to college. A man who works in a packinghouse, or a supermarket, or a poultry processing plant cannot get a student deferment. Yet, he certainly is performing an important function to society and the nation—as important as the student. And his parents, or wife love him as much as parents or wives love their student-sons or husbands. They are just as eager to avoid their men getting killed.

But among the students, too, the draft has a devastating effect. Many of them see it as forced service in a war they morally and philosophically oppose. And many of these young men are guilt-ridden about their preferred position in the draft. Many of the anti-social actions on college campuses can be traced directly to the frustration and bitterness caused by the draft.

The fact is that the draft is social dynamite.

NO HAND WRINGING

It is senseless to bemoan current views, to harken back to World War II, to deplore an alleged "lack of patriotism." Handwringing and endless argumentation on this theme are useless. We must first coldly recognize conditions and attitudes for what they are *now*. And then, we must use our traditional, democratic ways to change some existing conditions.

The very first recognition must be that the major cause for many of our current internal problems is the Vietnam fighting. We are in a miserable, undeclared war, which we should never have gotten into, which we should get out of immediately and which is sapping our national strength and faith. This war, unlike previous ones, does not have immense public support—to put the matter lightly.

This terrible, endless war makes the draft even more unbearable to a very large part of the nation. It increases the intensity of bad feeling about the draft. It makes the draft an even greater cause for national dissension, anger and frustration. Two major remedies to get the nation back to some sort of harmony and sanity therefore are to end the Vietnam war and to repeal the draft.

VOLUNTEER ARMY AND DEMOCRACY

The alternative to the draft is a volunteer army—an army made up of men who choose to serve in this way. Much has been written both for and against this proposal. Again, we regret that thorough hearings on end-the-draft legislation have not been held. If they had, these arguments could have been more thoroughly aired. And the particular adversary proceedings of the Congressional hearing room could have brought more light to the issue.

Obviously, the most disturbing of the arguments against a volunteer army are those which foretell a dread danger to democracy. An elite officer corps will lead an army of professional soldiers who will be unleavened by the citizen-soldier. That army may be apt to meddle in politics or make a military grab for power in the South American style. So the argument goes.

We are impressed by the studies and the arguments of the Gates Commission on this very subject. This distinguished group, appointed by President Nixon and headed by former Defense Secretary Thomas S. Gates, met the issue head on in two chapters of its report.

The Commission points to the experience of other nations. In England and Canada, which have volunteer armies, no apparent danger of militarism exists. In some of the European and Latin American nations where military takeovers have occurred, the armies are of a combined professional-draft makeup. This is more powerful evidence than the theoretical formulation about the rise of militarism.

The Gates Commission also doubted the democratizing effect of the draftee on the army. Those who have served in the armed forces would probably generally agree. Basic training exists—in large part—to bring the draftee around to the army's way of doing things and not vice versa. It is only in the recent two or three years that any sort of major dissent has occurred within the armed forces. Even in these cases, the dissent comes from a very small minority of the troops and is generally dealt with extremely severely.

The Gates Commission points out that it may be the very inducements of a volunteer army which will end the isolation of the military. Today, being drafted is to go into forced labor. It means not only being taken from where one wants to be, but it often means a severe cut in wages and the loss of various amenities of life. The higher remuneration—both in money terms and the services provided—which will come with a volunteer army will mean that a man may feel happier in serving in the armed forces and may feel much more an actual and integral part of American life.

BASIC FACTORS

But in the long run, the danger of militarism depends on much more basic factors. It depends on how strongly civilians control the armed forces. The traditional American concept of civilian control must be strengthened whether a volunteer army exists or not. Congressional participation in the nation's foreign and military policy decisions must be increased no matter what the outcome of the present or future debates about the makeup of the armed forces will be. And the rising and dread power in both politics and the economy of the military-industrial complex must be decreased regardless of the status of the draft.

Yet, even these factors are not the most elemental ingredient for the preservation of democracy against military takeovers. They are truly the second steps.

The most basic factor is the desire of the American people to make democracy work. It is the wish of the people to be concerned about our nation and its problems. It is the desire of Americans to preserve freedom at home, as well as abroad.

It is the avoidance of overreactions to behavior or actions which may seem outrageous to us. It is the maintenance of common sense to avoid calling a massive government crackdown against a few who may appear obnoxious to the many. Above all, it is—as our Executive Board's statement points out—the need for Americans to treat each other—everyone—with respect, dignity and a willingness to try to see the other person's point of view.

NO SERVITUDE

As a union, we naturally oppose forced labor. In the past, the draft may not have been considered as servitude, but today, it is by a very large number of those affected. This fact—and this fact alone—must give the nation pause and require it to consider the entire question. If no other factors were involved, this situation would require some changes.

But there are many other factors to urge the end to the draft and the substitution of a volunteer army. We choose to pay heed to all of those factors and we support the amendment to the Military Procurement Act sponsored by Senator Hatfield for this purpose.

We strongly urge the Senate to approve this amendment. It is an important and necessary tool to help this beloved nation of ours to come out of its current desperate internal crisis.

STATEMENT OF JOHN DE J. PEMBERTON, JR.: HEARINGS ON THE DRAFT

For half a century, the American Civil Liberties Union has defended, against governmental infringement, the fundamental protections afforded by the Bill of Rights. It has consistently represented those who have asserted the rights of conscience and religious liberty protected by the First Amendment and the right to due process and equal protection of law as guaranteed by the Fifth and Fourteenth Amendments.

Based on our long-time commitment to fundamental civil liberties and upon our special experience, it is our judgment that:

1. Under the present circumstances the Selective Service law as administered is an egregious violation of civil liberties and constitutional guarantees.

2. Peacetime military conscription is not only fundamentally at war with our Nation's constitutional commitment to individual liberty, but the experience of the past 22 years demonstrates that it is rife with inequities which are inherent in the system and demand its elimination.

3. Proposals to replace military conscription with a system of universal compulsory national service would do as great, or even greater, violence to American traditions of individual liberty.

THE BASIC WRONG OF PEACETIME CONSCRIPTION

All that America stands for teaches that conscription is a last resort, to be utilized only when the warrant for its imposition is irresistably convincing. Our ancestors settled this continent in flight from countless denials of liberty abroad, one of the most conspicuous of which was military conscription. Federal military conscription was foreign to our national experience until 1963 and peacetime conscription was never tried by the Federal government prior to the dark days of 1940 when the prospect of our involvement in World War II loomed ominously. Even in 1941, a mere four months before Pearl Harbor, the renewal of that experiment could muster but a one vote margin in the House of Representatives. A freedom loving people should not, and until 1948 did not, impose this servitude upon its own sons.

Compulsory military service is always a severe deprivation of civil liberties. It not only removes young men from their homes, occupations, education, and family for long periods of time, but even more seriously it deprives them of the intrinsic condition of freedom: the direction and control of their lives. Military conscription permits the State to exercise virtually complete dominion over the individual, and compels him to engage in

activities which he may find repugnant and contrary to his individual beliefs. This is why civil libertarians approach conscription as an evil inherently derogatory of freedom which should normally be opposed. Civil libertarians will insist that proponents of conscription always carry the burden of justifying the need for the government to force an individual into military service.

The justification for such invasion of civil liberties must ultimately rest upon what James Madison called "the impulse of self-preservation." We do not think it is inconsistent with a devotion to civil liberties for citizens to be willing to deprive themselves of some liberty in the interests of meeting a graver evil. But such deprivation of liberty through conscription, may only be warranted by the overriding need of national security, in time of war or the imminent danger of war.

In a public statement made on January 30, 1966, the ACLU called attention to this higher tradition in our Nation's historic devotion to liberty. We pointed out the passage of time since World War II, during which period America has lived almost constantly with peacetime conscription. We said then:

"The passage of twenty five years would alone warrant reconsideration of the implications of conscription for individual liberty. The urgency of reconsideration is underscored by the danger that conscription originally viewed as a temporary expedient occasioned by emergency, is becoming institutionalized. It is an accepted part of life: many citizens have grown to maturity almost without knowing a time when it did not exist."

Since then countless presidential commissions, congressional hearings, the mass media, public figures and private voluntary organizations have emphasized the denials of personal liberty inherent in conscription and the particular and systematic abuses which have been spawned under the Selective Service Acts.

The evils have become so apparent that the Executive Branch of the government has expressed its desire to terminate military conscription.[1] The ACLU believes that Congressional responsibility dictates the most searching examination [2] of the justification, if any, for continuing the draft.

We believe that those who would tolerate the continued imposition of conscription on our youth bear a heavy burden of demonstrating to the whole people that it is necessary. To date, no such showing has been made.[3]

The committee should critically and soberly examine whatever justification may be offered for the retention of a Selective Service law which has heretofore been unquestioningly renewed by prior Congresses, stimulating and sustaining the alienation of our youth, and fostering divisiveness within the entire society.

Illustrative of the conflict with democratic principles inherent in conscription are the implications to be drawn from this candid statement by the Selective Service System:

"Delivery of manpower for induction, the process of providing a few thousand men with transportation to a reception center is not much of an administrative or financial challenge. It is in dealing with other millions of registrants that the System is heavily occupied, developing more effective human beings in the national interest." [4]

A free people do not willingly assign to a government agency responsibility for channelling their individual educational, career, marriage and family choices in the manner that agency deems desirable for "developing more effective human beings in the national interest."

To the foregoing, let me add that objection to the present draft is obviously reinforced by our alarm at penetrating violations of civil liberties occasioned by the current military conflict in Southeast Asia, for the continuation of which the draft is now principally employed. Our urging on this Committee a discontinuation of the draft would be incomplete unless you were advised of our reasons for believing that civil liberties interests require termination of the Indochina War. I submit for the Committee's study this policy statement adopted by our Board of Directors on June 2, 1970:

The ACLU is deeply concerned with the continuation and expansion of the war in Southeast Asia. The military involvement of this country for purposes a large part of our society does not share has, among many adverse domestic consequences, had a highly detrimental effect on civil liberties. It has fostered an atmosphere of violence which has resulted in the slaying of college students and black people, violent attacks on and by demonstrators both for and against the war, and a climate of repression in which attempts have been made to stifle criticism of the war.

"A brief checklist illustrates the war's deep depredations on the Bill of Rights, both its specific guarantees and the spirit of human freedom that it represents.

"1. The present draft system, with its severe deprivation of personal liberty and its administrative inequities, still continues.

"2. The right of non-obstructive dissent by service personnel and civilians who oppose the war has been curbed—often by harsh measures.

"3. There still hangs over the heads of young men and women the threat of criminal prosecution for various forms of peaceful expression and symbolic speech, such as flag offenses and draft card burning.

"4. Frustrations have so infuriated and frightened those trapped in the maelstrom that violence rather than dialogue and reasoned debate have become, for many, the accepted technique for resolving social conflict. The shootings at Kent State, Augusta and Jackson are but recent episodes illustrating how violence can escalate.

"5. Academic freedom, the hallmark of a free and democratic society, has been violated by those who erroneously see coercion and destruction as the solution for society's problems. Anger over the war has so incensed student feeling that buildings have been burned, academic files destroyed, persons held hostage and mood of terror unleashed. In turn, governmental repression at academic institutions has grown to dangerous proportions. In such an atmosphere, academic freedom cannot be preserved.

"6. The festering sores of urban neglect have denied equality to millions, particularly non-whites, in jobs, employment, housing and in the administration of justice. These sores have worsened because of the intensified splits in our cities over the prolonged war and the diversion of national attention and resources from the urgent need to deal with them.

"7. Freedom of the press, a vital ingredient of democracy that checks abuses of governmental power has been imperiled by the Administration's subtle and not so subtle suggestions of a government crackdown. It is not unrelated that such attacks have mounted as the mass media have told of the growing dissatisfaction with the war in editorials and news coverage.

"8. There has been an increase in military domination of policy, dissipating the civilian control envisioned by the Constitution and essential to civil liberties.

"These examples underscore the war's responsibility for wide social divisions, tensions which have exacerbated public feelings on both sides, and today's climate of repression which is bound to affect political expression. A retreat from dialogue and peaceful dissent to ever more violent means of advancing one's cause is bound to result. This trend can be reversed if the fundamental cause of public frustrations is removed. Therefore, to preserve civil liberties, which provide the mechanism for peaceful change, the American Civil Liberties Union insists that the war in Southeast Asia must stop. In making this appeal, the Union bases its departure from its previous narrower focus on several grounds. Central to them is the enormity of the civil liberties crises which the war has produced. This action does not represent basic change in the Union's organizational role.

"In addition, the ACLU opposes our nation's continued involvement in this war because it violates the people's sovereignty. Their power, constitutionally delegated to the Congress—namely, the power to declare war has been designated by presidential usurpation.

"The ACLU recognizes that the President has broad constitutional powers in the conduct of foreign affairs. But it believes that basic liberties are violated when the people are deprived of the right, through their elected representatives, to have a formal declaration of approval or disapproval of an undertaking such as this—a massive and protracted armed conflict in a distant and foreign land.

"The ACLU recognizes that even a declaration of war would leave unresolved moral and civil liberties questions inherent in this or any other declared war.

"Because the continuation of the war in Southeast Asia so pervasively jeopardizes the exercise of civil liberties in our country, the ACLU now commits itself to work for an immediate termination of the war and the immediate withdrawal of all U.S. troops from Southeast Asia. To advance this position the ACLU will:

"1. Continue litigational attacks on the draft and seek its legislative defeat in Congress.

"2. Continue its attacks against all forms of governmental inspired repression.

"3. Urge all ACLU members through its 48 affiliates, to communicate with their congressmen asking them to work for an end to the war.

"4. Urge all persons and groups concerned in controversy over the war to eschew violence and coercion while continuing to exercise all their First Amendment rights.

"5. Enter *amicus curie* in the suit being brought in the United States Supreme Court by the Commonwealth of Massachusetts. This suit arises out of a recently enacted Massachusetts statute providing that a citizen of that state cannot be sent abroad to fight in the absence of a congressional declaration of war. The ACLU will also urge other state legislatures to enact similar laws.

"In view of the fact that Congress has not declared war, The American Civil Liberties Union calls upon it to refuse to appropriate money for the war in Southeast Asia and to repeal the draft of young men necessary for its continuance."

II. INHERENT INEQUITIES

The absence of convincing justification, in terms of national self-preservation. in the face of conscription's violence to basic human freedoms and its present relation-

[1] See N.Y. *Times* Friday, April 24, 1970.

[2] The President's Commission on an All Volunteer Armed Forces has concluded that a volunteer method of raising an army is feasible.

[3] Scholarly investigation has raised new doubts that peacetime conscription is even constitutionally authorized. See Friedman, Conscription and the Constitution: The Original Understanding. 67 Mich. L. Rev. 1493 (1969).

[4] Statement of Selective Service System, July 1, 1965.

ship to a divisive and despised war, is reason enough to end the draft. Were it not, however, the host of fundamental inequities which have grown under the present system, should conclude the case for repeal.

Of course, the itemization of many of these inequities suggests that it might be feasible individually to correct each. But their proliferation under the present system teaches us that, like manure in the Oregon stables, two more will replace every one that is corrected. The present law is essentially another renewal of the 1948 Act; if these inequities have not been dealt with successfully in twenty-two years, they hold little promise of yielding to systematic correction today. They underscore the case for repeal.

When discussing the absence of "due process" with relation to Selective Service, it is difficult to know where to begin. The system has inequities built into it at every level. The Administrative Practices and Procedures Subcommittee of the Senate Judiciary Committee has identified numerous inequities, some of which we describe below:

A. Substantive matters

1. The Uneven System of Classification: While the Union recognizes that the original purpose of vesting discretionary power with local boards in determining classifications was to insure that "classification actions" would be made by people familiar with the circumstances of individual cases, vis a vis community needs, this concept, in application, has proved to be fallacious. Substantial percentages of local board members live outside of the jurisdiction of their local boards,[5] thus, totally defeating the "little groups of neighbors" concept, and many more do not understand the criteria for deferments of exemptions under the present law. Expert testimony before other committees has revealed the abuse of discretion committed by many local boards throughout the country.[6] Common concepts of equity require that men similarly situated receive the same opportunity to receive the same deferment. National, uniform criteria for deferments, and the ability to administer them even-handedly across the country, are lacking.

2. Unjustified Deferments and Exemptions: The ACLU is gratified that the President has now eliminated occupational, agricultural and fatherhood deferments. But the Congress has still not granted to the President the authority he has requested also to eliminate college deferments. What clearer example of unequal treatment under law is required to show a system of protesting one class of citizens over others?

While the new lottery selection system is a further attempt at guarding against the pyramiding of deferments resulting in a total exemption from service, that end is largely defeated by the present retention of the II–S deferment. By permanently obtaining any of the deferments remaining in the present classification structure after he has enjoyed a II–S classification, a registrant may frustrate entirely the intent of the special provisos on 32 C.F.R. 1631.7 as amended this year.

We further believe that the exemptions granted to ministers of religions and divinity students are in violation of the establishment clause[7] and should be eliminated. Ministers and divinity students, are, as anyone, eligible to apply for conscientious objector status. Those who do not choose to do so should not be exempted from service required of others.

4. Lack of a Nationally Uniform Draft Call: The regulation of draft calls so as to establish a uniform national level within the lottery system is wanting. One area or locality may reach men for induction with a higher call priority number than that of other men in different sectors of the country. This is seen by those affected as inequity in treatment.

B. Structure of the selective service system

1. The Number of Local Boards: At the present time, the Selective Service System maintains over 4,000 local draft boards throughout the continental United States as well as its territories and possessions. The boards themselves are comprised of over 20,000 unpaid volunteers, who to a large extent have neither the time, inclination or capacity to administer the law. Much of the responsibility falls to the clerks at the board offices. The sheer numbers of people who must agree on the meaning and application of the standards for deferment make uniformity virtually impossible. While the average Selective Service local board has 8,000 registrants, some have as high as 50,000 and of these, many may have moved far from the jurisdiction of their local board.

The Marshall Commission and the Kennedy Committee, have urged that the number of local boards be reduced and that regional offices and directors be established.

2. Military Complexion of the Staff of the Selective Service System: Virtually all of the staff members of National and State Headquarters of Selective Service are members of the military or reserve officers. The Director of Selective Service for the past twenty-nine years has himself, been a general. There is absolutely no justification for placing the Selective Service System under the direction of military personnel.

The military operates traditionally with less regard for the rights of the individual than is expected in civilian life. All registrants are civilians and many will never serve in the military and those who do will serve only for a short time compared to career personnel. Registrants have the right to expect to be treated as civilians by those who understand civilian concepts of equity and fair play.

C. Due process for registrants

1. Registrants are not permitted to appear before boards with counsel.

The Supreme Court will be hearing argument next term on whether or not a registrant may be constitutionally denied the right of counsel before his local draft board.[8] See 32 C.F.R. 1624.1. Irrespective of the outcome of this case, the ACLU believes that the denial of the right to counsel is unconscionable. The Selective Service System is the only administrative body, governed by the Code of Federal Regulations which expressly prohibits representation by counsel. The age of many registrants and their varying degrees of maturity make departure from this basic element of due process unsupportable.

It seems unjustifiable that we afford a greater degree of due process to a taxpayer contesting his income-tax liability—even to the nation's inkeepers in the renewal of their licenses,[9] to welfare recipients[10] and to applicants for admission to the bar[11] than we do to Selective Service registrants.

2. Registrants are denied any statement of the reasons why their claims for deferment have been rejected.

The Selective Service System is specifically exempted from the provisions of the Administrative Procedure Act. Were it under the requirements of that statute, registrants would be afforded a number of safeguards (other than the right to counsel) which we believe are crucial to due process.

The absence of written findings by local boards denies several elements of procedural fairness. First, it handicaps a registrant in perfecting an intelligent appeal. Because no written findings exist, it is difficult to imagine that a registrant is being afforded true due process on appeal.

Second, the lack of written findings handicaps Appeal Boards in determining the basis for a local board's decision.

Third, the lack of written findings frustrates judicial review. Numerous appellate cases require remands to the districts courts for special hearings on why a board made a certain decision in a particular case.

In 1954 the Supreme Court stated in the *Gonzales* case[12] that, "The right to a hearing means the right to a full and meaningful hearing."

Concurrently in *Simmons*, the companion case to *Gonzales* it held, "The right to file a statement (before an appeal board) . . . includes the right to file a meaningful statement, one based on all the facts in the file and made with awareness of the arguments to be countered."

While the former National Director, whose continuing influence on Selective Service System policy is still felt, was highly concerned with the possibility of board hearings becoming quasi-judicial proceedngs, he also stated that every registrant is to be "deemed available until proven deferable."[13] Since such a burden of proof is borne by him, it is unfair that a registrant be denied the opportunity to build the record necessary to carry it.[14]

3. Registrants should be permitted to appear before Appeal Boards.

Since the sincerity of the registrant often becomes a factor in the issue of classification, especially in cases involving claims of conscientious objection, and since the appeal to an appeal board is a de novo review, a registrant should have the right to appear before an appeal board.

Again the argument that has been profferred in opposition to these recommendations is that they would spur attempts to turn the proceedings into legal forums. These allegations, however, should not be used as a basis for justifying a limitation on a registrant's right to due process.

4. Registrants are not permitted to transfer their registrations to a new local board upon the shifting of their permanent residence.

No provision within the Selective Service regulations exists which permit a registrant to transfer his local board solely because he has permanently moved far from the jurisdiction of his local board with which he originally registered. The prejudice caused to registrants by this factor is immediately apparent. A registrant far distant from his local board will incur hardship, both in time and cost, both in consulting his file and especially when desiring to take advantage of his right to a personal appearance.

5. A quorum of the local board is not re-

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[5] See table 1, p. 74, "A Study of the Selective Service System: Its Operation Practices and Procedures," Report of the Subcommittee on Administration Practices and Procedures (1963, "Kennedy Hearings").

[6] See hearings before Subcommittee on Administrative Practices and Procedures, pursuant to S. Res. 39, 91st Congress, 1st Session, pp. 58–78.

[7] See *Everson v. Board of Education*, 330 U.S. 1 (1946)

[8] *United States v. Weller*, 2 SSLR 3229 (N.D. Cal. 1968), on direct appeal taken by the government.

[9] See *Hornsby v. Allen*, 326 F. 2d 605 (5th Cir. 1968).

[10] See *Kelley v. Wyman*, 2921 F. Supp. 893 (8 D.N.Y. 1968, three --ct).

[11] See *Willner v. Committee on Character and Fitness*, 373 U.S. 96 (1963).

[12] 348 U.S. 407.

[13] Hearings on Senate Bill 1432 before Senate Committee on Armed Services, 90th Congress, 1st Sess., pp. 610–657.

[14] Many of the reasons which point up the inequity of this lack also compel us to mention the absence of transcripts of board appearances. Without them it is impossible to determine whether the boards findings are supported by the record.

quired to attend the registrant's personal appearance.

While Selective Service regulations mandate that a decision on the issue of classification be made by vote of at least a quorum of a registrant's local board or an appropriate panel thereof, the regulations do not require that a quorum of the local board, or an appropriate panel thereof be present at a registrant's personal appearance:

"Under present regulations only one board member is required to attend a registrant's personal appearance. This means that a registrant cannot be certain that a quorum of the board fully understands his petition. The lack of a quorum is particularly unfair when the registrant's sincerity is at issue as in conscientious objector cases."

D. Conscientious objectors

1. Universal Pacifists: Some of the most niggardly practices of the Selective Service System have centered on the treatment of the conscientious objector. Decisions of the Supreme Court have required the System to treat equally with the conventional religious pacifist, the unconventional religious agnostic and the non-religious pacifist. But the System has shown a remarkable resistance to the standards of equitable treatment which these cases have enunciated; for instance, the form for applying for exemption as a conscientious objector (Form 150) was not modified to take account of the *Seeger* decision for more than three years.

Provision for recognition of conscientious objectors has characterized all of our experience with conscription, both wartime and peacetime. It serves a high purpose in any social order, especially a democratic one. Law and order rest ultimately upon the readiness of individuals to know and act upon conscientiously held conceptions of right and wrong. A society which systematically compels individuals to violate conscience in a matter so central to it as the taking of human life, engages in the destruction of the very foundation of its order. Doing so by compelling military service is a particularly senseless toying with moral foundations, for a conscientious objector in uniform is necessarily a poor risk as a soldier. For these two reasons—respect for individual conscience and want of social advantage in overriding it—proper provision for the conscientious objector is essential to a sound system of conscription. For these same reasons the System's ofttimes grudging administration of the exemption is both an inequity to the individuals adversely affected and a subversion of the best in our social order.

2. Objectors to a Particular War: All of the same reasons apply to support the recognition of the conscientious objector to the particular war that objector faces. The differences between the "selective objector" and the universal pacifist are unessential to the policy of exemption. Both adhere to a moral command believed superior to that of the state. Both prefer society's ostracism and punishment to violation of that moral command. Neither can be inducted without violation of his conscience; putting either into uniform offers the Service a poor risk as a soldier. The only difference between them is an academic one; they have different beliefs about a war neither of them presently faces—a *hypothetical* future "just" war that may never occur, certainly not while either is of draft age.

That academic, hypothetical difference in their respective systems of beliefs is a difference that ought not to make a difference. It has no bearing on the violence which induction and military service will do to the conscience of either. It has no bearing on the advantage, or lack of it, which the Nation will gain from such induction. The conscientious objector to the war in which that individual presently faces service should be exempt, whether or not he is a universal pacifist.

The right to obey a moral law is reflected in the First Amendment guarantee of religious liberty, and is, we believe, implicit in our entire constitutional framework and origins. The "free exercise of religion" clause reflects the fact that obedience to conscience and morality that made this Nation a haven for freedom-loving men everywhere. The history of our national origins is largely a history of religious dissenters and conscientious objectors, like Puritans, Quakers, Roger Williams and others. Numerous provisions of the Constitution are directly designed to protect dissenting consciences in various aspects of civic life. The fact that selective conscientious objection is selective does not make it any the less conscientious. As one federal Judge has noted, "selective conscientious objection might reflect a more discriminating study of the problem, a more sensitive conscience and a deeper spiritual understanding." *United States* v. *Sisson*, 297F. 2d 902, 908 (D. Mass. 1969).

Indeed, by far the greater number and larger boards of all religions recognize the right of conscientious abstention from some wars but not others. The Catholic doctrine of the Just War is well known, and is deeply rooted in St. Augustine and St. Thomas Aquinas.[15] Various Protestant groups have asserted the right of selective opposition to unjust wars.[16] Jehovah's Witnesses believe in theocratic wars and in self defense of their bretheren and their church.[17] Even Quaker doctrine seems to approve of the use of force to maintain world peace.[18] The fact is that almost every pacifist believes in the use of force for self defense and for police purposes.[19]

As Chief Justice Hughes said in *United States* v. *MacIntosh*: [20]

"There is nothing new in such an attitude. Among the most eminent statesmen here and abroad have been those who condemned action of their country in entering into wars they thought to be unjust. Arguments for the renunciation of war presuppose a preponderant public sentiment against wars of aggression."

The ACLU believes that non-recognition of selective objection is out of harmony with both the First Amendment and the legislative intent of Sec. 6(j) of the Act.

III. UNIVERSAL NATIONAL SERVICE

Various proposals for compulsory National Service appeal to some as a substitute for military service. They would in reality import all of the evils of the draft into a much broader intrusion upon the lives of individuals. All of them necessarily encompass involuntary servitude.

Our objections to such proposals are numerous. In constitutional terms, the authority for military conscription stems from the Congressional responsibility to "provide for the common defense." The requirement of coerced *non-military* service certainly cannot be justified under this power, and it therefore would be prohibited by the Thirteenth Amendment. In broader civil liberties terms, such an enlargement of the system of military conscription is a totally unwarranted extension of the reach of government. The burden of justifying *military* conscription rests heavily on the government, such conscription inevitably works a severe deprivation of civil liberties; except when warranted by the overriding need of national security, it is a grievous departure from this nation's most cherished traditions of personal freedom. Proposals for marshalling every young person for non-military as well as military service threaten to introduce into this Nation regimentation of a type heretofore principally associated with totalitarian states.

The principal claim for national service as an alternative to the present system of conscription is that it would eliminate the inequity involved in that system's uneven and often discriminatory disposition of burdens and sacrifices. But national service would not significantly reduce these inequities, for the hard decisions as to who will be inducted into military service would remain. Even were that not true, the gain would never warrant the wholesale loss of liberty it would entail.

Where the present system, through the student deferment, gives an effective preference to young men whose families can afford to send them to college, national service would, in all likelihood, continue such class distinction but in a different manner, by offering as alternatives to military service such activities as the Peace Corps, whose high standards of eligibility would necessarily continue to make it much more accessible to college graduates than to their less well-educated contemporaries. It would not really be possible, even if it were desirable, to make civilian service comparable, in sacrifice and risk, to military service in combat.

Even if the burdens and risks could somehow be equalized, however, we do not think the elimination of the present system's inequities would justify extending still further its central fault; that is, the loss of liberty necessarily entailed by compulsion. If some persons in a society must surrender their liberty and risk their life and limb, because of an urgent need that cannot otherwise be met (a point which, we repeat, has not yet been established), their sacrifice will hardly be redeemed by attempting to impose on others equal sacrifices for which there is no equal need. Next to life perhaps, and certainly more than property, liberty is a precious commodity. Its loss by a few is not mitigated by taking it from many.

Much has been said about the socially desirable ends that could be achieved by national service: The needed service that could be provided, domestically and abroad, in education, welfare, conservation, and similar fields; and about the benefits that would accrue to the young people involved, in terms of both remedial education programs and the beneficial experience of selfless service. We agree that these ends are desirable, but we see no reason why they cannot be achieved by a system resting on free choice and economic inducement, like every other socially important service save the military. If, as we believe, compulsion cannot be justified as a way of curing the defects of the military conscription system, its only justification can be an economic one: compulsory service is, of course, cheaper than voluntary service. We do not think this Nation is in such economic straits that it cannot pay competitive wages to those it asks to undertake its important work.

We believe that it is no solution to the unfairness and inequity of the present military draft system to devise a program which will multiply that unfairness and extend the element of compulsion to all young citizens. If it is absolutely necessary that young men be compelled to render military service (and again we emphasize that the burden of proof of that proposition has not been met), the evil should be confined to the circumstance that occasions it—inadequate military manpower. It will only compound

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[15] See, e.g., St. Augustine, *City of God*, Book XIX, Ch. 7, (Image Books ed. 1958).

[16] See 4th Assembly of the World Council of Churches, July 17, 1968, p. 1 col. 3.

[17] See *Sicurella* v. *United States* 348 U.S. 385 (1955).

[18] See Sibley and Jacob, *Conscription of Conscience:* 1940–47 p. 25 (1952); see also William Penn's charter for world government.

[19] See e.g. *United States* v. *Purvis*, 403 F. 2d 555 (1968).

[20] 283 U.S. 605 627 (1931) dissenting opinion.

servitude and inequity to broaden the very compusion that is at the heart of what is wrong with the draft.

SANE Background Statement on Compulsory National Service

(By Sanford Gottlieb)

A Gallup poll of July 5, 1970, testing public opinion on the desirability of drafting young male Americans into a period of compulsory national service of a military or civilian nature, revealed that 71% of the American public favors such a program. While recognizing that such a plan may encourage initial idealistic reactions SANE is appalled that legislators and citizens alike have failed to understand the inherent dangers of such a system.

In an attempt to detail these dangers within the framework of a consistent policy base, SANE reiterates its long-standing policies on the draft and compulsory national service.

In 1966, in a policy statement supporting voluntary military service, SANE stated:

"SANE is also opposed to universal military training or any variant thereof which makes compulsory demands on the nation's youth. While lauding and supporting assistance programs such as the Peace Corps as representing the best in American neighborly and humane traditions, we believe the value of these programs would be vitiated by their becoming another aspect of compulsory service."

In elaboration, SANE stated, in testimony before the Senate Armed Services Committee in April, 1967:

"National Service would not end the inequities of the draft, but would compound them. Under Universal National Service all young men and women above a specified age would be drafted, and within the manpower requirements of the Department of Defense, non-military alternatives would be permitted to conscripts. In some versions, non-military service would be a voluntary alternative above the needs of the Department of Defense. A system of deferments would still exist, selection for actual military duty would proceed very much on the same basis as at the present, with its accompaniment of economic, class and educational differentiations. Nor is there any way at all of equating non-military service in activities which do not involve violence, killing and loss of life or limb.

"Purely on the basis of practicality, Universal National Service is a nightmare. It entails finding useful work for approximately one million men a year, and close to two million women per year. Assuming a three-year term for men and two years for women, a pool of around 7 million people would be available for national service. There would be no jobs available and no money with which to pay them. Universal National Service would be a gigantic latter-day WPA with all its social ills and abuses.

"The success of the Peace Corps and similar activities rests fundamentally on the individual motivation and volition leading to the desire to perform unselfish services for the good of others. There is no possibility that a system of conscription would be responsive to this motivation. It would, in fact, be destroyed by a system of coercion.

"Universal National Service would bring into being a wholly unparalleled system of state control far beyond the questionable provisions for conscription for military service, with serious and probably dangerous implications for democracy and civil liberties.

"Interpenetrating American society at home, and providing a governmentally-controlled instrument abroad, Universal National Service would constitute an instrument for advancing partisan political or narrowly conceived foreign policy goals—apt to present an irresistable temptation to any government. At home it would warp national life out of its sheer magnitude, requiring performance of social services at costs far below the open labor market. Abroad, by its lack of motivation and availability to influence, it would undo and reverse the constructive impact of voluntary and non-governmental agencies."

While these statements deal with the basic inequities and anti-democratic nature of compulsory national service in general, in 1970 we are faced with specific legislation, the National Service Act of 1970 (H.R. 18025) which would: (1) require universal male registration at 17 (females having been benignly neglected); (2) selective service counselling during the next year, and (3) choice at the age of 18 of (a) military service, (b) state civilian service, and (c) a chance in a military draft lottery.

Based on our view of the principle of voluntarism, we list below SANE's major objections to implementation of this Act.

(1) The Act would create the National Service Agency headed by a director appointed by the President. The Director would have sweeping powers over the lives of young Americans, with little effective control by Congress.

(2) The *National Service Director* would be *solely responsible* for determining whether a civilian service occupation "is of substantial social benefit to the community, Nation, or foreign nations . . ." This decision-making power, lodged in one official would have excessive influence over individuals, educational institutions, specific communities and economic groups.

(3) The terms of military service through the lottery is designated as two years, while the length of civilian service may be increased, *at the discretion of the National Service Director, up to a period of four years.* This provision, along with increased pay incentive and GI Bill for military service, while civilian workers receive "subsistence" salaries, would appear to reinforce the concept that civilian service is a penalty.

(4) The National Service Agency would pay civilian employees a subsistence salary set by the Agency. The private employer pays the prevailing wage to the Agency for that job. The private employer and the civilian employee thus join in a scheme which help subsidize the state.

(5) Four-year educational deferments for those enlisting in the armed forces, *granted at the discretion of the Director, would discriminate against young men who are already employed as well as those who choose civilian service.* The Director also has the responsibility to determine "that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Armed Forces. . ."

(6) The Act would discriminate against young men who, if unable to find a job among the positions accredited by the Agency, would be placed in a Civilian Service Corps to work on federally-subsidized work projects. It is obvious that the majority of those unqualified for regular civilian service (where there is at least some choice of area of service) would be from the nation's undereducated and underprivileged.

(7) Individuals who found themselves in good conscience and with honorable precedent unable to participate in a system of national service would be required, as under the present system, to prove their case through hearings and appeals. The onus of proof is on the objector rather than on the Agency.

(8) If it is judged that there are not enough men in the military manpower pool, this legislation would permit the inclusion in the lottery of those who have completed their civilian service. Thus, some men could be subject successively to civilian *and* military service.

Puerto Rico's Committee of Resistance to Compulsory Military Service; Position Against the Imposition of any Kind of Military Service to Puerto Rico

Puerto Rico's Committee of Resistance to Compulsory Military Service wishes to let the people of the United States know its position on the Draft Law which is currently being discussed in the Congress of the United States. We submit the following statement:

The people of Puerto Rico became a colony of the United States as a result of Spain's defeat in the Spanish-American War. Before U.S. domination, Puerto Rico had an autonomous government. It was replaced by a United States military government. Two years later, in 1900, the United States formed a civil government on the island, totally dependent to the executive, legislative and judicial powers in Washington. In 1917, the Congress of the United States approved the Jones Act which made reforms on the island's colonial regime and imposed U.S. citizenship to Puerto Ricans. Since then, all Puerto Rican males have been totally under the jurisdiction of the American Military, notwithstanding Public Law 600 of the Congress of the United States which in 1952 gave way to the creation of the "Commonwealth of Puerto Rico", a more hypocritical form of direct colonialism.

Puerto Rico is a Latin American country formed by more than four centuries of history. The Puerto Rican nation, with its geographic, demographic, economic, cultural and psychological unity, has struggled for independence for more than a century, first against Spain and now against the United States. Our people's resistance to the United States' domination finds now its principal expression in the struggle against compulsory military service and the presence of militarism in our country.

Puerto Rico is a colony of the United States. When the Congress of the United States approved Public Law 600, it categorically stated:

"The enforcement of the Federal Relations Act with Puerto Rico and the exercise of the federal authority in Puerto Rico under its dispositions are not reduced in any way by the Constitution of Puerto Rico and cannot be affected by future amendments to that Constitution, nor by any law of Puerto Rico that is in conflict with the Federal Relations Act with Puerto Rico or with the dispositions of the Constitution of Puerto Rico, as it is expressed in Public Law 600 or with the Constitution of the United States, or with the laws of the United States that are not locally inapplicable, and should be void and should have no effect."

According to the Federal Relations Act with Puerto Rico, all the laws of the United States "have the same effect and validity in Puerto Rico as in the United States," with the sole exceptions of those "locally inapplicable."

The life of the people of Puerto Rico is regulated by the United States government. According to the U.S. Constitution, it is a prerrogative of the Congress of the United States to decide the destiny of all territories acquired by sale or conquest. And Puerto Rico was acquired by conquest.

The Congress of the United States has exclusive jurisdiction over Puerto Rico's foreign relations and trade, nationality and citizenship, emigration and immigration, armed forces, military draft, customs, transportation, monetary system, mail, radio and television, patents, quarantine laws and justice.

The Congress of the United States imposes the military draft on Puerto Rican youth and makes it participate in all wars waged by the United States, be they declared or not.

To safeguard the application of federal laws in Puerto Rico, like the compulsory military service law, the United States government maintains in our country a Federal District Court whose judges and officials are

designated by the President of the United States and where proceedings are carried out exclusively in English.

The United States has turned our island into a gigantic military base. More than 13% of our national territory is occupied by Army, Navy and Air Force bases. The United States Armed Forces have thus become one of the main monopolizers of Puerto Rican land. More than two and a half million Puerto Ricans live on our island of 3,435 square miles, of which such an enormous portion has been curtailed.

At Roosevelt Roads base, on the Southeastern shores of Puerto Rico, is the seat of the Caribbean and Antilles Command of the United States Navy. Rocket and atomic submarine facilities are found there, as well as installations for aircraft carriers equipped with thermonuclear warheads. A few miles offshore from the base, we find the Puerto Rican islands of Vieques and Culebra. In Vieques, the United States Navy controls more than 75% of the land. That monopoly has forced a big portion of the island's population to leave their homeland.

Culebra, the smaller of the two islands, completes the triangle of aggression against the people of Puerto Rico. Against the will of Culebra's municipal government and its population, the U.S. Navy continues using a section of the island as a target range. That use endangers the very existence of the population of Culebra and has already caused many casualties. The people of Puerto Rico has overwhelmingly opposed the Navy's domination of Culebra, to the point that the Culebra Affair has become "cause celebre" for the United States Congress and for U.S. and world public opinion.

United States military domination of Puerto Rico is total. It is not only our land, our coasts, our principal roads, our ports and our weather stations which are controlled by the United States military apparatus. Even more important is the direct control of United States Armed Forces over the Puerto Rican population, upon which compulsory military service has been imposed.

Puerto Ricans have no voting representative in the United States Congress nor participate in the election of the President of that nation. Neither do we want it. Our people, which form a nation different from the United States, wants to command its own destiny freely, independently and with sovereignty. What we want is to deprive Congress from any jurisdiction over our nation so that our people may govern itself. It is that United States Congress in which Puerto Rico is not and does not want to be represented, that passes the laws, military and otherwise, that affect the people of Puerto Rico.

The people of Puerto Rico have never participated neither in the passing or the implementation of United States military laws. Not even in the bureaucratic apparatus which administers the military laws have the Puerto Rican people any direct participation.

In the past, faced with the alternative of long prison sentences if they violated the compulsory military service law, a great many Puerto Rican youths were forced to bow to the draft. Puerto Rican soldiers drafted by the United States Armed Forces had to fight in World War II and in the Korean War, as well as now in the colonial war of aggression waged by the United States against the people of Viet Nam. Within the Armed Forces of the United States, Puerto Ricans are subject to all kinds of political, racial and national discrimination: Puerto Rico is forced to supply more soldiers than any state of the Union. The rate of Puerto Ricans drafted in relation to the island's population, is fourfold in comparison with Americans.

Popular resistance to compulsory military service appeared in Puerto Rico during World War II. Many Puerto Ricans, following the preachings of the Nationalist Party of Puerto Rico led by the Apostle of Independence don Pedro Albizu Campos, faced long jail sentences in federal prisons for opposing the draft. Also during the Korean War many Puerto Ricans preferred imprisonment to induction.

But massive national opposition to the draft began in 1965 with the escalation of the U.S. military aggression to Viet Nam. Since then, thousands of Puerto Rican youths have refused induction in the United States Armed Forces, thus defying the U.S. military power.

More than 100 Puerto Rican youths have faced judicial arraignments in the United States Federal District Court in Puerto Rico for having refused induction orders from the United States Armed Forces. Only three of them have been brought to trial; and only one has been convicted. Edwin Feliciano Grafals was sentenced to one year in prison by federal judge Hiram Cancio for refusing induction. The sentence was later reduced to one hour in prison and appealed to the Boston Circuit Court of Appeals. These facts show how deep is the Puerto Rican sentiment against the compulsory military service.

In November 1969 and May 1970, two massive anti compulsory military service demonstrations were held in San Juan. Both of them, one over 40,000 strong, were organized by Puerto Rican organizations as the Pro Independence Movement, the Puerto Rican Independence Party, the Labor Christian Youth and the Committee of Resistance to Compulsory Military Service. They were two of the biggest popular demonstrations ever staged in our country.

Puerto Rican youth has expressed its antidraft sentiment by other means. Selective Service Registration cards have been sent to the National Liberation Front of South Viet Nam. Many youths have not only refused induction, but have also refused registration in the Selective Service System. Resistance to compulsory military service has also been expressed in a consistent revolutionary struggle against the ROTC program and facilities at the University of Puerto Rico; the ROTC building at Rio Piedras Campus has been burned twice by the students. Also, clandestine revolutionary groups have placed numerous fire-bombs in Selective Service offices throughout the island, thus expressing armed revolutionary opposition to the United States military apparatus in Puerto Rico.

Puerto Rico's Committee of Resistance to Compulsory Military Service is a patriotic organization composed by members of different political, social, labor, religious and youth groups. It is a united front of the Puerto Rican people against the most violent colonial imposition on Puerto Rico: compulsory military service. Our Committee guides the struggle against compulsory military service towards the following objectives: (1) The developing of the Committee as an instrument of unity among all Puerto Rican patriotic organizations; (2) Developing the struggle against compulsory military service as the crucial element in the struggle for the independence of Puerto Rico; and (3) Creating a conscience for active resistance against the Compulsory Military Service Law among the Puerto Rican youth. As a part of this effort the Committee has appealed directly to the young for resistance to the imposition of that law.

The leaders of the Committee, Dr. Héctor Dávila Alonso, Chairman, and Dr. José Milton Soltero, National Director of Activities, have stated that the struggle of the Committee is "a campaign of civil disobedience made in endorsement of the resistance (of the draft) for political reasons", because "the colonial situation (of Puerto Rico) renders the United States incapable of taking legal action against a people which stands up to demand its rights of sovereignty and its political liberty."

Puerto Rico's Committee of Resistance to Compulsory Military Service declares that the Congress of the United States has no moral authority whatsoever to maintain a colonial regime in Puerto Rico and to continue legislating over the life of the Puerto Rican people. The Committee thus demands once more that the Congress of the United States abolish the Compulsory Military Service law for Puerto Ricans, that Puerto Rico be excluded from the jurisdiction of the military laws of the United States and that it formally and solemnly recognize Puerto Rico's national independence.

The Committee of Resistance to Compulsory Military Service appeals to all democratic forces of the people of the United States for endorsement to the struggle of the Puerto Rican people against Compulsory Military Service in the Armed Forces of the United States and for Puerto Rico's independence.

Notwithstanding the obstacles we may find on our way, we will develop ever more strongly our struggle for liberation. The bigger the opposition we find on our way, the larger the liberation force that will be developed until we achieve the goal of independence for Puerto Rico.

Position Favoring a Voluntary Military

(By Thomas Lindsley)

Statement of Testimony

This testmony is the result of discussions, assemblies, and the current time of crisis on the campuses of several Midwestern colleges. It is a statement that calls for an understanding of youth and for the opportunity to have the voice of draft age youth, that is, those most affected by its inequities, given significant hearing and proportionate weight in any consideration of the present peacetime draft system. Though I realize that this testimony is drawn from only a small portion of the nation's draft age men, we believe that the statements of this testimony give voice to a vast majority of that age group. This statement is a reasoned analysis from the eyes of draft age youth, also a rationalization of the increasing dissatisfaction and contempt among youth for the draft, its inefficiency, and its accepted position in a free society. No attempt at reason, however, can be disjointed from the disillusion regarding the draft that youth have experienced in the past few years. This brief statement hopes to capsulize some of the urgency of the issue.

It is time for a new military manpower policy. We must go beyond rhetoric. Action must be taken to end the draft as soon as possible. Now, more than ever, we are in a position to replace the draft with a completely volunteer armed force as a step practical and necessary for national defense.

Under the specific endorsement of representative organizations, Mr. Gerard B. Noonan, Registrar of Loras College and Draft Board Chairman of the Dubuque County Draft Board, and I have purposely decided to submit testimony together for the voluntary military as a far more honorable, desirable, and successful way of supplying manpower for defense than the apparently self-defeating principle of conscription. Our joint testimony gives evidence that there is an understanding of generations in the far-reaching problems of conscription. Testimony like ours for a voluntary service is the sound, logical, and inevitable result of the inadequacies and incompatibilities of the draft process. Since we were not able to submit testimony orally to the Senate Committees, we are submitting it here in part by written form. Because of the importance of this issue and its impact on the lives of most Americans, I believe it is crucial to hear the voice of that age group most affected.

We are attempting to replace disillusion with something positive. For a man to be conscripted and held involuntarily and paid a substandard wage for his service, this comes very close, in the minds of many young people, to an institutionalized force of "slave labor" which we have fought in every major war to eliminate and declare is not a part of our democratic process. It has taken a toll. As the Gates Commission Report states: "However necessary conscription may have been in World War II, it has revealed many disadvantages in the past generation. It has been a costly, inequitable, and divisive procedure for recruiting men for the armed forces. It has imposed heavy burdens on a small minority of young men . . ." It perhaps served the purpose of its time when initially the draft was designed as a necessity to meet the threat of a national emergency that called for the mobilization of a massive land army, but it is not the type of system to be considered lightly. The legitimacy in any society should be under constant scrutiny and its presence a challenge to a democratic people.

The draft has proved to this group, especially in the last year, to be neither a successful nor honorable institution, because of the wide variety of adverse effects produced by the existence of a system of forced conscription in a free society. The Gates Commission Report noted from its findings that: "It has weakened the political fabric of our society and impaired the delicate web of shared values that alone enable a free society to exist." The presence of the draft is increasingly impractical and antagonistic in the eyes of those faced with the needless disruption of their lives when there is a more practical, legitimate alternative to meet the manpower needs—that of the all-volunteer armed force. The maintenance of such a draft against the alternatives produces the only logical and honest result, that of criticism and resistance on the part of youth.

As students continue to gain an identity or self-consciousness as a group, it becomes clearer to them that there is unnecessary abuse, extreme injustice, and misunderstanding which is being played on them specifically. They feel more a part of society as they overcome educational disadvantages thereby escaping the syndrome of ignorance and begin to assume responsibility only to find serious inconsistencies and demands of the draft with no alternatives, no compromise, no trust. In regard to this, the Gates Commission observed: "Compelling service through a draft undermines respect for government by forcing an individual to serve when and in the manner the government decides, regardless of his own values and talents." Even now, this confrontation is open and tangible, though not necessarily spectacular; but, as was brought out in one group discussion, "its symptoms, general dissatisfaction, widespread malaise, and contempt for those in power, are difficult to put down, since their meaning is never unequivocal." And as the very respected Historian Hannah Arendt has said: "Contempt is one of the most potent springs of revolution."

I suggest that ignoring the presence of contempt which is obvious among draft age youth and the larger part of civilian society by retaining the draft system will produce a dangerous environment for our society. By turning values away from the integrity of man to political expediency, as the draft system seems to have facilitated in recent years, we can expect men to lose sight of their meaning, their liberty, their loyalty. When values are based on something as arbitrary and manipulated as government interests, then there is created, from an atmosphere of abuse and deception, that unique environment for revolution.

The people of my own geography in the Mid-West are increasingly united in their belief that replacement of the draft with a volunteer military is now both realistic and necessary. Their endorsement of this testimony declares that. And having lived in a community sharing the same age, pressures, ideals and frustrations, they believe that a continuation of the draft will produce a domestic crisis with a very serious threat to our national security.

Even among the veterans organizations on campus there is a unanimous concern about the draft, and its antagonistic effect on the patriotism of youth. They have spoken of the obvious injustice of the deferment system which provides a refuge to a large arbitrarily defined group, who are smart or rich enough to find their way under its roof, while a draftable few are left to face forced service. They have also discussed the need not only of restoring respectability to the defensive services, but also of a need of efficient personnel. Both, they concluded, could be accomplished by an end to the draft system as it presently functions. Some of the organizations involved in this testimony, have expressed the view that the status quo could be changed constructively and the society improved peacefully, by responsible and responsive government. There exists a hope that Congress, the last calm voice of the people, will resolve the issue of the draft, but it has reached that point in the minds of many that if it is not settled in Congress, and that voice not heard, then a voice should rise from the streets, which has proved before to be a less desirable yet effective means of significant change.

Any reform of the administrative or operational structure of the system cannot remove the stigma of involuntary servitude which seems the essence of military conscription, especially in peace time. A voluntary military would eliminate the inequities of the selective service system and end the injustice of forcing some to serve while allowing the majority to escape. And with its reduced turnover, it would provide a more efficient and effective military. Success in lifting conscription from the lives of American youth would also mean an important release of energy and optimism throughout the whole society.

We believe the draft exists now because of restricted leadership and vision. Because of the long toleration of the draft through the cold war, leaders have begun to function with an increasingly narrow vision of liberty, and such an acceptance by society is "weakening our moral and democratic fiber." The suppression of individual rights remains suppression, the evil remains evil, the perceiver merely becomes less sharp in his perception. It has been said that if it did not already exist, such a system would be impossible to invent today. Such an arbitrary, manipulated use of a certain segment of society would cause such indignation that it would never be born now. There is no other segment of society that would tolerate such a system of forced service; this in itself reveals something of the contempt for the present draft system on the part of the majority. Yet it is imposed upon youth with all its injustice and malfunction. This suggests to some, the inability of those in power to look for responsible alternatives. Is there a reason we should not be expected to sense some hopelessness in the face of such institutions we are called upon to "honor"?

Since we are almost politically impotent, we have less control over our social lives and feel we are denied an understanding. There exists with this the frustration of trying to live our freedoms in a free society. We are denied the right to *choose* to serve our country, which in the minds of youth, is vastly more important than to any other age group. No other system in society demands such absolute obedience of an individual, or such an involuntary forfeiture of individual liberties. Individual liberty has been called the "ultimate right in a democracy, it is not a concession that can be withdrawn or that must be paid for by military service."

We have rationalized the presence of a system that abrogates a man's rights as an unfortunate but dire necessity. Now the Gates Commission Report provides that necessary assurance, the absence of which was used before as an excuse to retain the draft, that sufficient numbers can be brought into military service on a completely volunteer basis. And if Congress has any intention of trying to eliminate forced conscription, now is the best, yet most crucial time, at least to try it. Now, there is little reason, except force of habit, to maintain the draft. We think it is hyprocrisy to a free society and something we cannot tolerate.

THE DEFEAT OF AMERICA

This is the first generation to have to grow up under the constant presence of systematic forced service. We are denied the opportunity to choose to serve our country, and, as a result, we are not only denied responsibility by a seemingly distrustful society but also take little pride in the forced "service" and eventually identify this compulsion with the systems and institutions of government. Compulsion of this kind in any history, including American, has never inspired patriotism.

To the founding fathers, "foundation of freedom" meant the foundation in practice of participatory democracy; this was to be the great experiment of America. Instead, we have turned to the contradiction of the "silent majority" as the epitome of the democratic process. No wonder youth feels that democracy is failing. As we interpret it facing the draft, it is. We are encouraged to remain silent, we are frustrated in attempts to *do* anything. Voluntary participation therefore, is a nonentity for us on the national scene. Apparently the individual is expected to accept this personal insignificance, dissolve himself in a higher power, and then feel proud in participating in the strength and glory of this higher power. But this is the destruction of freedom. It is a forfeit of self-realization. It declares null and void most queries into the nature of man's progress. It is a contradiction of the philosophy that brought America to be. It is an evasion of life.

The courage it took our country's founders to turn from history in the sense of making a new beginning is the courage of men of great purpose. It is a great purpose we call for now. We need to understand again the meanings that were attached to the words of our "self-evident" truths, our principles of government, our philosophy of life.

A NEED FOR REPEAL

We conclude that the present Selective Service System retains that basic injustice of requiring some to serve and others not to serve; especially student deferments where financial adequacy or other such arbitrary measurements are used to put the burden on others. Aside from the deferment system itself, the draft creates enormous uncertainty and anxiety for millions which is unnecessary, and it is inefficient from the military point of view, since it fails to recruit men with a stable commitment to service. This is seen consistently by those in the military. General Leroy Anderson has said: "Certainly a better standard of performance will be achieved by a much smaller number of properly paid professional military personnel supported by civilian employees where feasible." His professional observations led him to favor the total repeal of the draft: "The draft is a terrible injustice, not simply a poorly conceived system in need of repair. Let us end it and restore the voluntary spirit to the military." The first steps should include the elimination of the hidden "tax-in-kind" imposed upon first term service men and their substandard pay raise to reasonable levels. The rest of the

nation's population should pay its share of the common defense by assuming the expense paid by first term men. The Gates Commission put this tax, which is in the form of a loss of income, at a figure of $3,600 annually per man, amounting to $2 billion per year. As Senator Mark Hatfield stated: "The young men we force into the military subsidize their own service." The voluntary army would relieve this extremely disproportionate burden on those giving service, and as James C. Miller, III, asserts in his book WHY THE DRAFT?, it would force taxpayers "to recognize the true cost of military activity. If they would be unwilling to pay this cost, it must be because the benefits from such activity are less than what it costs." But that decision should be made by the population of taxpayers as a matter of common defense.

The draft is becoming obsolete in this age of technology. The advance of spohisticated weaponry is making the importance of the foot soldier less and less great. The volunteer system will provide far more competence for the technicians of the modern army. Tremendous losses due to a high turnover and redundant training will be eliminated. Whether the draft is spoken of in terms of national security, expense, military efficency, or in relation to the institutions of a free society, it is in every case far less preferable than a voluntary military. We can now make the transition from this obsolete system of conscription to a voluntary institution.

We recommend with the Gates Commission that: "A return to an all-volunteer force would strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking in our youth, promote the efficiency of the armed forces, and enhance their dignity." The draft is systematically destroying our hope for such a generation of men of good will which society now desperately needs and which youth wish to be. It may be that without abolishing the draft it will be impossible for them to achieve their high ideals within our system. It is invaluable for youth today to be granted full exercise of their right to be free from the restrictions of arbitrary force. For the Congress to replace the draft with a volunteer system would be a major step toward restoring optimism and trust in a disillusioned youth. We urge an end to the draft now.

RECENT PRESIDENTIAL ANNOUNCEMENT OF COMMISSION ON STATISTICS

Mr. TALMADGE. Mr. President, it has escaped public notice, but for those interested in the performance of our Federal statistical system, last Wednesday, August 12, was a notable date. On that day the President announced the appointment of a distinguished Commission of 14 individuals to undertake the most complete review of the Federal statistical system in at least 20 years. I particularly welcome this action by the President because the Subcommittee on Economic Statistics of the Joint Economic Committee of which I am chairman, has for many years has been investigating various specific aspects of this system which generates the information and statistical data used by this Congress, by the executive agencies, the regulatory commissions and by private business and the universities to understand our economy and our society. We are well aware of the need for a useful review of this system. This seems a place where a Presidential commission could be useful. We wish it well and offer our cooperation. We look forward with great interest to its conclusions and recommendations and promise the Commission an early hearing upon completion of its work.

The President has wisely chosen one of America's most eminent scholars thoroughly familiar with these problems in the person of W. Allen Wallis, president of the University of Rochester, to be the Chairman of the Commission. The Vice Chairman is the equally distinguished professor of statistics at Harvard University, Frederick Mosteller, the former president of the American Statistical Association. I ask unanimous consent that the White House announcement of the appointment of the Commission and the full membership be printed in the RECORD.

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

WHITE HOUSE ANNOUNCEMENT

The President today announced the appointment of a Commission of 14 distinguished Americans to undertake a thorough study of the Federal Statistical System in order to maximize this service to the American people and to the Government. W. Allen Wallis, President of the University of Rochester, will be Chairman of the Commission, and Frederick Mosteller, Professor of Statistics, Harvard University, will be Vice Chairman. Daniel B. Rathbun, Director, Naval Warfare Analysis Group of the Center for Naval Analyses, will serve as Executive Director of the Commission staff.

The Commission will conduct a comprehensive review of the Federal statistics program. The last appraisal of the Federal statistical program under the first Hoover Commission occurred more than twenty years ago. Since that time, sixty million persons have been added to the nation's population and our economy has more than doubled in size; the complexity of society here and abroad has increased enormously; and data processing technology has been revolutionized.

In response to these developments and because of major advances in the social and physical sciences, there has been vigorous growth in the demand for more prompt, more accurate, more comprehensive, and more detailed statistics. To deal with these issues, answers to three basic questions are needed: (1) What are our present and future needs for information about the functioning of our economy and society? (2) How can we minimize the burden on respondents and insure that privacy and confidentiality are protected? (3) How can we organize Federal activities for the most effective production and utilization of statistics?

The examination of these fundamental issues and the recommendations thereto will be of great assistance to the public, the Congress, and the Executive Branch. The review will take into account the interests of those who supply and use statistical information, as well as those who are aware of the heightened place of statistics in our society. The Commission will seek the views of the Congress and of individuals and representatives of groups with interests in specialized fields. The President has directed that the Commission present its recommendations by June 30, 1971.

The Commission includes recognized experts in the field of economic and social statistics as well as individuals from business, labor, and the law. The members of the Commission are:

CHAIRMAN

W. Allen Wallis, Chancellor, University of Rochester, Rochester, New York.

VICE CHAIRMAN

Dr. Frederick Mosteller, Professor of Statistics, Department of Statistics, Harvard University, Cambridge, Massachusetts.

OTHER MEMBERS

Frank D. Stella, 19180 Gainsborough Road, Detroit, Michigan.

Dr. Ansley J. Coale, Office of Population Research, Princeton University, Princeton, New Jersey.

Dr. Paul M. Densen, Director, Center for Community Health and Medical Care, Harvard University, Boston, Massachusetts.

Dr. Solomon Fabricant, Member of Research Staff, National Bureau of Economic Research, Inc., 261 Madison Avenue, New York, New York.

Robert D. Fisher, 523 West 6th Street, Los Angeles, California.

Dr. W. Braddock Hickman, President, Federal Reserve Bank of Cleveland, Cleveland, Ohio.

Professor William H. Kruskal, Department of Statistics, University of Chicago, Chicago, Illinois.

Professor Stanley Lebergott, Department of Economics, Weselyan University, Middletown, Connecticut.

Richard M. Scammon, Director, Elections Research Center, Governmental Affairs Institute, Washington, D.C.

William H. Shaw, Assistant to the Treasurer, E. I. duPont de Nemours and Company, Inc., Wilmington, Delaware.

James A. Suffridge, 4000, 25th Place, N., Arlington, Virginia.

Dr. John W. Tukey, Department of Statistics, Princeton University, Princeton, New Jersey.

EXECUTIVE DIRECTOR

Daniel B. Rathbun, Director, Naval Warfare Analysis Group, Center for Naval Analyses, Arlington, Virginia.

YAF SYMPOSIUM ON THE VOLUNTARY MILITARY

Mr. GOLDWATER. Mr. President, last Wednesday the Young Americans for Freedom sponsored a symposium on the voluntary military. This group is the Nation's largest conservative youth political organization and I am very much pleased that they have decided to back the volunteer army concept. Their enthusiastic participation in this effort speaks well for today's generation of young Americans, which, as I have often said, is the best that I have seen come along.

There was an interesting exchange of thoughts at the meeting, and I believe a great many new arguments were developed in support of the voluntary military that the general public, and perhaps some Members of Congress as well, have not had an opportunity to study. I know that I heard several new points explored, and I would like to try some of these out once the debate opens on our voluntary military amendment.

In order that the record of the YAF symposium can be available for consideration and use during the forthcoming Senate discussions about the volunteer army, I ask unanimous consent that the transcript of the August 12 YAF meeting be printed in the RECORD.

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

TRANSCRIPT OF THE SYMPOSIUM ON THE VOLUNTARY MILITARY

Mr. DAVID ANCOCK (YAF Coordinator). As all of you know, on July 7, Senator Hatfield

introduced in the Senate, as an amendment to the military appropriations bill, legislation which would establish a voluntary-military force, effective July 1, 1971. The scheduled vote of the voluntary-military vote is planned for about August 19 and the purpose of this symposium today is to present a conservative viewpoint of the voluntary military for those Congressmen who wish to send representatives. Young Americans for Freedom is sponsoring this. We have sent out our voluntary-military packets to all the Congressional offices, we have sent out personal letters by Professor Milton Friedman and Frank Mier endorsing the concept of a voluntary military. Young Americans for Freedom is very honored today to inaugurate the symposium. We have a top-notch line-up of speakers; Randall Teague, our Executive Director of Young Americans for Freedom; Doctor Milton Friedman, Professor of Economics at the University of Chicago; Dean William Meckling, Director of Research for the Gates Commission Report, and Dean of the School of Business at the University of Rochester; General Thomas Lane; and at 11:00 Senator Barry Goldwater will be here.

As I said this bill was introduced on July 7; since then we have approximately 15 co-sponsors of the Voluntary-Military Amendment ranging from liberal to conservative. It is not a partisan effort in any sense of the word. I would like to introduce Randall Cornell Teague, Executive Director of the Young Americans for Freedom, who will speak on "The Student and the Draft", and what young Americans for Freedom is doing about the Voluntary-Military.

Mr. RANDALL TEAGUE. I would like to welcome you all here this morning. YAF has been engaged for the past four or five years in active program in support of the voluntary military. What makes the YAF position very different from that of many other youth organizations is that YAF is known quite openly as a conservative youth organization. YAF has supported the policies of eventual victory over communism is Southeast Asia. We have supported the President's position on Cambodia. In general over the past 10 years we have supported a strong national defense and a policy of responsible anti-communism. I think that most of the other youth organizations that are in strong support of the proposals for a voluntary military system probably do not all so share those other positions.

We do support the voluntary military because we do believe the draft to be a denial to an individual's right to live his life as he chooses. We support the voluntary military because we believe that governments are instituted among men to protect the right to live, not to destroy. We support the voluntary military because we believe the draft has been basic to every authoritarian regime, whether it be feudal, communist or fascist, and because we believe it to be largely incompatible with a free society.

YAF supports the enactment of the amendment to provide for a voluntary military. This amendment is now pending before the Senate. We believe the legislative enactment of the substance of the Gates Commission report to be overdue. Our only reservation about the amendment now pending before the Senate is in our opinion its failure to adequately provide the President with stand-by authority to reinstitute the draft in times of national emergency or war. YAF's official policy position in support of the voluntary military has always been predicated upon the assumption that the system would first be instituted during a time of peace. While we are not now in such a period, YAF felt it was not inconsistent with our long-standing position to support the amendment now, inasmuch as we appear to at least be moving towards peace in Southeast Asia. We do think, however, that some safeguard, in the interest of national security and the balancing of priorities as to national security, might be provided for in the amendment.

Our program here today is designed to provide members of the United States Senate and their staffs and representatives of the press with information about voluntary military from different perspectives. We have the presentation by Mr. Friedman on the economic aspects; Mr. Meckling on the administrative aspects; Gen. Lane, a former major-general in the United States Army, discussing why the voluntary military system is a preferable system; and political perspectives on the amendment and on the system itself by Senator Goldwater.

Dr. Milton Friedman, (Professor of Economics, University of Chicago). I have been connected with a great many controversial issues for quite a long time and the issue of the voluntary military has one characteristic that I have never observed in any other issue: that is, I have yet to see anybody who went carefully into the subject of the voluntary military, whatever his initial position, who has not increased his support for it. I have yet to see a single person who undertook to examine the evidence who moved, for example, from support for a voluntary military to support for the draft, not a single person. I have observed many people of various backgrounds and interests move the other way, and I think that speaks something for the evidence. I was particularly impressed with this in the connection with our Commission, the Gates Commission, of which I was honored to be a member. That Commission had people on it from a very wide range of backgrounds—some military people, some business people, academic people, and others. I would say at the outset when we met at our first meeting probably there was about a 50/50 split between pro-volunteer military and anti-volunteer military. By the time we completed our deliberations and after extensive examination of the evidence we had a completely unanimous report. There was not a single person on the other side. This was not an isolated experience; I saw exactly the same thing happen at Draft Conference held in Chicago four or five years ago. I have seen it happen over and over again. The one thing I would really urge on anybody interested in this subject is to look at the facts, look at the evidence, because on the basis of my past experience, there is only one way you can move.

Now let me discuss the particular topic I was assigned, the economics of the volunteer military is to distinguish between the real cost to the country, the real economic cost of different methods of manning the armed fores in different ways on the one hand, and the budgetary impact of manning the army and armed forces in different ways on the other. To look at the real cost of the country, you want, for a moment, to pull away the veil of money which tends to conceal to some extent what's really going on. What are the real factors? It is the number of people who are involved in various activities, what they do with their time and with their efforts, and the amount of resources used trying to reach a certain degree of military effectiveness—and people can differ widely about that—but whatever degree of military effetiveness being sought, whatever degree of preparedness, the question arises: what is th most efficient way to reach preparedness from the point of view of the economic resources it absorbs.

Now one of the oldest findings from history is that slave labor is inefficient labor: forced labor is not efficient labor. You get far better service, far better and more efficient use of resources if people are voluntarily engaging in an activity. And that is no different for the military than it is for anything else.

In the first place, in order to man an armed force of a given size with a mixed force of conscripts and volunteers a larger total number of people is needed. Why? A man drafted for two years spends the first six months or so in training. The last three months of his service he is being processed for discharge. You are lucky if you get one year service out of the man for two years that he is in the armed services. In addition there must be people on hand to train him, to move him about from one place to another, to process those papers for discharge and the like. The result is that, of a given total number of people in the armed forces, the number of people in an effective position is decidedly smaller in a mixed force of volunteers and conscripts than in a force of all volunteers. Now this shows up dramatically in the kind of figures the Gates Report produced and that Bill Meckling will talk about later.

To maintain a middle range mixed force of volunteers and conscripts, each year about 440,000 young men must be recruited for the enlisted forces leaving aside the officers corps. Under a completely volunteer army the number of people needed is 325,000. So each year there is an additional 115,000 people or so who have to be put through the mill of going into the service and coming out of the service. So clearly, just from the point of view of the military operation itself, a conscript force involves the use of more man-hours and thus waste resources for the same military effectiveness. But that is only part of the story. In addition to the waste of people in the excessive turnover in the military itself, there is the waste of people in the civilian side because of the activities young men and other people engage in as a result of the draft. As we said in our report there are not only draft-included volunteers in the armed forces, there are draft-induced ministers, there are draft-induced graduate students, there are draft-induced deportees.

Young men all over understandably, because of the existence of the draft, engage in activities they would not otherwise engage in. Employers are hesitant to recruit people for particular jobs because they may be subject to the draft and employers lose them. Consequently, you have inefficient use of the young men. You have the disturbance and the cost imposed on the college campuses. I think there is little doubt that a major source of the disruption on the campuses has been the draft. It has brought to colleges and universities hundreds of thousands of young men who would not otherwise be there. Their major interest has not been in education and as a result they have denied places on the campuses to others who would have a stronger interest in education, and they have changed the character and the tone of the discussion. And moreover, because they felt guilty about being there while their friends were escaping they have tended to retreat to an irrational approach to great important issues. The issues of what our foreign policy should be is an extremely important issue, but it ought not to be considered in the kind of irrational, emotional tones that have dominated campus discussion, and I am sure a large part of that is indirectly a reflection of the existence of the draft.

So in terms of the real cost of the society, a volunteer military is a more efficient way of providing a given degree of effectiveness. It requires fewer people in the armed forces on the one hand, and it does less disturbance and harm to the rest of the society on the other. Now we turn from the real cost side to the budgetary cost. If you look at the problem of achieving a voluntary army, there is only one simple problem and that is, we are currently underpaying drastically people who are in the first term of service. A young man who is drafted in his first term of service receives on the average something like 60% of the income which he can earn in civilian life. I think it is an enormous tribute to the patriotism of our young people that so many people already volunteer under

those circumstances; no one is going to volunteer and enter the armed services for pay alone. But it certainly is true that bad pay can discourage a man from entering that might not otherwise enter. That is the fundamental problem.

The fundamental function of the draft is not to get men for the armed forces, make no mistake about that. The reason we have conscription is to reduce the tax load on tax payers in general, and instead impose a tax on the young people who serve. And nobody will put it that way. But if you look at it objectively, that is the essence of the situation. A young man who would be willing to serve in the armed forces for $5,000 a year who receives in the armed forces $2,500 a year is paying a tax of $2500. However, it is a tax in kind. Its a kind of forced levy that we thought went out with the Middle Ages, the elimination of which was one of the great steps forward in the freedom of human beings from bondage. But that is what it is: a forced levy, forced service on people. A tax in kind. Our books are not kept well, our governmental books do not show as a receipt the tax in kind from the people who are serving compulsorily. Our governmental books do not show as an expenditure the true cost of manning the forces. If we were to adopt this procedure in general, we could reduce the book expenditures of the federal government very drastically. If you simply drafted all people who are used in government construction or all of the civil servants who fill the buildings in Washington—if you required each and every one of them to serve at half his present pay, under penalty of being sentenced to jail if he didn't, recorded government expenditures would go down drastically. But I think no one would say that was a real saving. Well, that is the situation. Under present circumstances we are financing the armed forces in considerable part by a tax in kind on the young men who are required to serve and on those people who are induced to volunteer in order to avoid the draft. The essence of a shift to a volunteer armed force is a substitution of tax for a tax in kind. It does not, in fact, involve an increase in total government expenditures properly measured. It involves a reduction in total government expenditures properly measured. It involves a *reduction* in total government expenditures properly measured. But it does involve shifting from a tax in kind, shifting from requiring services through a forced levy, to a buying it on the market. And as a result, the *recorded* bookkeeping expenditures of the government will run higher. The estimates we made in the Gates Commission Report, and that Bill Meckling will perhaps develop further is anyone is interested were that the actual budgetary expense of shifting to a voluntary army force would be roughly of the order of something like 2½ billion dollars a year for a stable force mid range force of the side that is considered. And I may say, that that force is roughly that kind of force that is being contemplated, now that we are moving out of the Vietnam situation.

Now I have no doubt that from an immediate governmental point of view—from the point of view offered in the government—the need to spend 2½ billion dollars more. Out of pocket expenses that do have to be raised in cash taxes raises a problem, a political problem. You know there is the saying "an old tax is a good tax" in the sense that people get accustomed to it and any new tax is difficult tax. But it so happens that I think this political difficulty in the present instance a mixed one and much less serious in general and that is because the draft tax is so unpopular. It is hard to think of any other tax that we have that is not labeled a tax and has produced such a degree of taxpayer resistance. Maybe there are other taxes that are evaded to a greater extent. It is very hard to believe that there are.

It is hard to think of any other tax that costs so much to collect. In our report of the Gates Commission Report we made an estimate of the cost imposed on the rest of the community in order to get the dollar services collected in the tax in kind, it costs the country a dollar and a half to collect it. That is, a dollar and a half represented a rough estimate of the cost imposed on other people to evade the tax—the cost imposed on the people who went into one exempt occupation or activity or other for the purpose of evading the tax. So, in this case I think you have a situation where simultaneously a very bad tax can be repealed; in effect 2½ billion dollars more must be collected in dollar taxes in order to finance the budgetary outlay for this purpose. What you have is a shift of tax burden from the backs of the young men to the public at large.

Now, one other, most governmental expenditures that you consider are exhaustive expenditures; they involve using additional resources. If, for example, there is an extra $500 million dollars voted to subsidize the SST, that will involve hiring engineers, using materials, in other ways reducing a volume of real resources available for other purposes. That is not true in this case. If in fact the Congress votes to have a volunteer military and this involves an additional dollar expenditure of 2½ billion dollars a year, that will be accompanied by a reduction in the amount of resources, manpower, and etc. that you absorb from the civilian economy. Because it is a rearrangement of the tax burden and not a net addition, this case, unlike the SST, will make more men available to the civilian economy, and more material available because this will produce far more efficient use of the military. I have tried to stick so far as I could to the economics of it. I hope it will stimulate you to ask questions because it is much better to answer. Let me only close by saying that I think the basic issue involved in the voluntary army goes much beyond the economics of it, and I would not myself, although I am a professional economist, be so concerned with the issue if all it involved were the economic resources.

What is fundamentally involved is the fundamental principals and beliefs of this country and of this nation. We are a free people. Then we should individually, as a free people, have control of our lives. It is fundamentally incompatible for a society of free men to have a system under which people are compelled to render specific services at penalty incarceration and of imprisonment when it is perfectly feasible, perfectly possible to hire those services on the open market by getting voluntary arrangements that will serve that purpose. Thank you.

SPEECH BY SENATOR HATFIELD

I'd like to extend to you a word of greeting, as you undertake this conference on the draft. A subject which has been dear to my heart for many years. There is really little that I could add to this as far as the rationale for developing the volunteer military than what has already been offered by the brilliant discourse of Dr. Friedman. I can only indicate that since the years that I filled out hundreds of SS forms 109 for the male students on the University campus where I was serving as dean, I was made much aware of the inequity of the so-called student deferment part of the SS program.

Variations occurred there within the different majors. Yet, as to grade averages, no consideration was given to whether you were a physics major or a music appreciation major. Also, it made little difference whether you came from a High School that had great demands upon academic achievement or little demand. And so from those days back in the 50's on through, I have been, as I say deeply involved in the inequities that were so apparent in the Selective Service System.

In fact, I think the very title itself indicates the discriminatory character of the system. I want to say this morning that there has been very few people who influenced me more than Dr. Friedman's very outstanding participation in this discourse for these many years, because when I came to the Senate in 1967 I introduced the first bill for the repeal of the Selective Service program. And then followed that with another bill in 1969 but now we have behind us and undergirding our efforts the Gates Commission Report which was unanimous, as you know, and which will be given in greater detail I suppose as you go throughout the day by the gentlemen present.

With the Gates Commission report in, we introduced a new bill to incorporate as much of the exact language as we could and to translate the Report's recommendations into legislative language. I say it was unanimous and this included not only the civillian members but General Gruenther and General Norstad as well. I think sometimes we find ourselves in this basic argument today or debate within the echelons of politics as sort of the old conundrum we hear so often about the military-industrial complex that it is the military versus the civilian. Well, this, of course, is a very superficial observation if one makes that because we find that really some of the greatest support for a voluntary military comes from within the military organization, and military leadership.

Navy Magazine talked about personnel turbulence upon occasion which they indicated was the single most important problem they faced as a military organization, because of the high rate of turnover they found was part of their problem. I would say today that the prestige of the military is greatly called into question and I think it is unfairly attacked from many quarters. I decry those who use the military as the scapegoat for many of their differences about political issues or political policies. I think one of the things we can do most significantly of all is to restore the military as the rightful arm of the defense of this nation. And to establish it on a voluntary basis. I think by removing one of the most important of all the targets of attack, mainly the draft, we could do the most to reestablish the rightful prestige the military should have in our country. I reject totally those who fear the military eliteism which a so-called professional mercenary army, they like to phrase it, would bring about. I reject that not upon an opinion only but upon the history of this country, upon the Constitution, and the way this Constitution guarantees our civilian control.

Now we have the problem of the ROTC today which I think is often brought into focus, which I feel again is one of the most important parts of our military training program. The same people who fight ROTC are contradicting themselves when they say we want less militarism in this country. While the more we have of civilian involvement in civilian exchange and civilian environment, the greater we will find the military integrated into our total society. I have absolutely no fear. After all, we do have the records of our history of this county to point to as the reasons why we need not fear the military in this country.

I think that we have to face up to the reality that the draft will expire in June 1971. We are going to be pushed up against the wall if we do not have any alternative program to present to the Congress and to adopt by the Congress before we face that deadline. If we do nothing in the Congress at this point we will find ourselves in with the only proposition presented to us and that is to extend the draft for another period of time. So, I say that this is the time, this is the moment when we as a Congress should be undertaking an action which will pro-

vide us with other than an up against the wall situation of extending the draft for another two years.

I think your conference and the understanding and the knowledge that you will gain from this conference by your distinguished panel members will be very important to our efforts on the Congressional side. Senator Goldwater is the main cosponsor of my amendment and together we will wage this battle as we have waged battles together on previous occasions and the thing that I think is most interesting about this particular situation is it transcends all political philosophies, all political labels. We have one common cause here and that is for the basic freedom of this country that we all believe in, and for an efficient military organization, which as Professor Friedman has indicated already, cannot be efficient or effective under the present system of conscription.

I would close my comments to you this morning by merely saying that I am most pleased to be able to be here this morning, to welcome your efforts and to ask for your support. We need your help. We will take this as an amendment procedure, directly to the floor of the Senate. Finally, I think when young people have involved themselves within the processes of Government, as you have, you can intelligently and peaceably go about making your voices heard. It will be very effective in influencing and creating interest on the part of those in the so-called establishment, and I commend you therefore on establishing the means of communication and expressing your opinions and moving those opinions into action. I am grateful to have a chance to be here this morning and thank you very much for your invitation.

SPEECH BY DEAN WILLIAM MECKLING

(NOTE.—Mr. Meckling is director of research for the Gates Commission Report, Dean of the School of Business at the University of Rochester.)

Milton has suggested that I might correct David in regard to that last statement about my influence on the Commission report, and make it clear it was the facts that were responsible and not me that was responsible for the outcome. I had an interesting experience which I thought I would relate to you on the way down this morning on the plane that I think merits some attention. I was reviewing our Commission report on the way down and one of the stewardesses noticed I was looking at it and asked me what I was doing reading that book and I said I had some effect on what was written in those pages, and I have some interest in that. She was quite interested and said she and the other stewardesses the night before had discussed the new Women's rights amendment and had suddenly discovered, or then felt they discovered that perhaps they'd be subject to the draft if the women's rights amendment really was enacted and they were quite concerned. So that I got attention all the way down from Rochester from the stewardesses this morning in an unusual way on an unusual subject. Now that is the first case in the time we spent working with the Commission that I found young women really vitally interested in the draft issue in a direct sense, that is, they thought they might be affected by this.

I'd like to start from where Milton left off talking about the real reasons for objections to the use of conscription and it is basically a question of human freedom I think and not a question of economics. But much of the discussion that goes on about the draft involves questions which are essentially questions of fact and much of the Commission's staff effort in any rate went into trying to cover as much as we could about the fact with respect to the use of conscription. One of the major objections that occurred then and occurs now really revolves about the feasibility of a voluntary force.

Many people say that an all volunteer force is not feasible. In one regard that statement confuses the issue because I think it is quite clear to most people that if you ask whether at $50,000 a year for first-term servicemen we couldn't have a volunteer force, almost all would agree that we could. This clarifies that the real issue is one of what we are going to have to pay—that is we must decide what the pay levels are going to have to be in order to achieve an all-volunteer force. That is one of the things that the Commission spent a great deal of time on and a lot of people have raised questions on our estimates. I want to go back to that later, but I will say now that we made a honest effort to get the best kind of estimates we could about what it would take in terms of pay level to solve the transition problem.

The feasibility question breaks down when you address it into two parts. One is I think a more extreme form of statement and that is that it is not feasible in the long run. Most people do not hold that position. They will say that the all volunteer force is a good idea and that is what we should have in the long run, but we can not have it now. So the issue becomes one of transition. And in fact, the staff of the Commission addressed itself not to just the long run problem but to the transition problem as well. I personally believe and am convinced that the pay scales we suggested in the report would enable us to have an all-volunteer force.

Even in the short run, we can safely allow the present draft to expire next year. The Commission members were concerned about precisely the problem that Mr. Teague mentioned, that is to say, that the President would find himself in a position where the draft would legally be abolished, and he might have no alternatives in terms of preserving the defense of the Nation. Therefore, the Commission's recommendations were directed to the question of the transition period, as well as the long run stable situation.

The Commission recommended the pay increase to be effective July 1, of this year precisely because they wanted a year of experience before the draft expires. In this way the President and the Congress in a sense would not be put in a box in the spring of next year when the law expires and we will not otherwise have the information in terms of some experience with the new pay scales and improved conditions of service in the military to prove that a all volunteer force is possible.

Let me get on to some of the data, about the feasibility issue, because I think when most people talk about feasibility they have—I think this is made perhaps most obvious and explicit because of what Professor Friedman mentioned earlier—that when people begin to look at the facts on this question they always tend to move in the direction of being more favorably disposed to an all volunteer force. On the feasibility issue, one of the main facts, I think that is ignored and generally is not understood, is people making total objections about how difficult it would be to have a volunteer force when they do not realize how many volunteers are in the military today. There are in the military today 1¼ million people beyond the first term of service and there can be no question that those people are true volunteers. That is, they are there because they choose to be there, they are not there because they are forced to be there. So a million and a quarter people in the military today are volunteers.

In addition to that, however, there are many volunteers in the first term of service. It is true that not all those volunteers are true volunteers because some fraction of those people are induced to volunteer in order to get terms of service by volunteering which they prefer to what they could have by being drafted; that is to say, many of them prefer say three years in the Air Force as a technician, to two years in the ground forces in the Army, which is what is more likely what they will find happen to them if they wait to be drafted. So they elect to enlist in order to avoid the draft. This way they have preference in terms of the service.

Nevertheless, we on two occasions had the military conduct surveys to look at the question of how many of those people who volunteer are true volunteers. I might say it is not just those who volunteer, it is also the inductees. We have done a survey with the first-term servicemen to discover how many first-term servicemen would have enlisted in the absence of the draft. In its estimates of the number of true volunteers, the Commission used those studies.

There were two ways we could have gone about this. One was on the basis of these surveys; the other was directly from data on enlistment and how enlistments varied as a function of how many people were being drafted. Over time the number of draftees in a given year change. As draft pressure goes up this would have the effect of inducing more volunteers. The numbers we used in our study were the most conservative estimates of true volunteers. That led to a number on the order of 800,000 more true volunteers in the first term of service in 1967 and a similar number really in 1965 before we were involved in Vietnam. So the Commission's estimates were about 2¼ million or 2 million in terms of the number of true volunteers that exist today and existed in 1965.

When you are talking about armed forces of the size of 2 to 2½ million you are really not talking about many more volunteers than we have now. And the problem there is essentially the problem that Professor Friedman had mentioned; that is we have to get the pay increased enough to encourage additional volunteers in that first-term to fill out this difference and that is not a very large number even if we go to the largest force conceivable, which is 2½ million. In that connection, I should add that since the Commission study it has become clearer and clearer that the size of the force that will in fact exist as a permanent peacetime force is likely to be on the smaller side of the estimates we used and not on the larger side. That will make it even easier to achieve the all volunteer force.

Similarly, in the transition period the announcement has already been made that draft calls for the rest of this year will be reduced to 10,000 a month. If that level of draft calls is continued for the next year you are talking about drafting 125,000 in a year. There will be over 2 million who turn 19 next year, so you are talking about drafting 1 in 10 males. The situation also gets worse as time goes on. The number of 19 year olds will be close to 2½ million by 1980. By that time if we continued the draft we will be probably drafting something on the order of one out of 15 or 20 males. So the discriminating form of tax that Milton talked about will become more discriminatory over time as the male population in this age category increases.

Another important fact that I think people are not aware is that a military of a size of 2½ million in 1975 will be the same size as the one and a half million manned force in 1950, relative to the population of males who are eligible for military service.

I might add one other thing: The number of volunteers that are now in the military has an important implication for the allegation that Senator Hatfield mentioned about a mercenary force. The fact is that the mixed force we now have is largely mercenary, to mean by mercenary that the people are there voluntarily. The present force, especially the officer corps, are virtually entirely mercenary. No one would really claim I think that somehow it is immoral that the majority of our officers and non-commissioned officers are there on a volunteer basis.

I'd be glad to answer any other question you have in respect to the Commissions report. The Commission staff is publishing very shortly—I hope by the middle of August—a thick volume of about 1200 or 1300 pages of backup studies, which led to many of the figures in the Report itself. The papers were done by various people around the country. The Report will be included in that backup study.

SPEECH OF MAJ. GEN. THOMAS LANE, RETIRED

I, in a sense, have been called off the bench to substitute for General Alfred Gruenther who was a member of the Gates Commission. He was unable to be here for personal reasons. So I come to you not as a supporter of the Gates Commission, not as a supporter of the Hatfield Amendment, not as a supporter of the YAF position on a Volunteer Army. I'm a retired Army officer, presently occupied as a newspaper columnist, writing on Public Affairs, so I come to give you my own personal views on the Volunteer Army. I do come before you as a supporter of the Volunteer Army. I've had some personal experience with the draft. From 1957 to 1960 I commanded Fort Leonard Wood, Missouri, which is one of the big training centers receiving draftees from the North Central part of our country. More than that, I'm old enough to have served in the volunteer army which we had before World War II. So I've had experience both with the draft and with the volunteer army.

While I was at Fort Leonard Wood I saw the inequities of the draft, which Professor Friedman and others have noted. At that time, the Army Field forces at Fort Monroe were studying personnel problems in the military services, including the draft, and I forwarded the study to the Board of Officers with my recommendation for ending the draft or at least changing it very drastically. At that time, the military had set very high standards for the qualification of men to serve in the military. We were screening out the poorer specimens from the bottom. This gave us good material with which to work. We had intelligent young Americans who could learn what they had to learn in the military service, and this made the training problem much easier and in a sense less expensive.

This was a beneficial aspect of the draft which it seemed to me induced into the military services a certain complacency with its continuation. But I also saw the other aspects of the draft. The effect of the draft when you are taking only a small part of the eligible age population is to build up a popular escape mentality. People start figuring out how they can avoid the draft, the ways in which they can escape military service. It seems to me that this ultimately was building a poor mentality among the youth in the country. What we had done was to take a draft system designed for a general mobilization in World War II and to apply it in peacetime when we were taking a very small part of the eligible age population.

Therefore the law operated so that the young man who accepted this military obligation and went into service, in a sense, had the penalty of losing two years of his civilian life (if you regard military service as a penalty), and the man who evaded that obligation in some way or other, escaped the draft. So the law operated to reward the people who avoided public obligation and service. In other words, it rewarded what you might say would be a selfishness and avoidance of public service, and it penalized those who accepted these obligations. I thought this had a very bad effect on our whole population, and I thought we should put an end to it. But at that time, as I say, the way the system was working, it was very hard to change it.

Another aspect of the draft, part of the holdover, was that while we were taking a small part of the population, and could get out of those coming of age each year enough to man the military forces, we continued the World War II requirement of eligibility up until the age of twenty-six. I saw young men who simply hadn't been called when they were younger, who then were called to active duty when they had families, when they were established in their work and in their business, and at the least opportune time. I saw no necessity at all for the operation of a draft in that manner in time of peace. These were the factors which, I say, affected the decision, and it seemed to me the military made a very bad decision in continuing the draft in peace time. I tried to persuade them to change it, but had no effect.

The role of the draft as I see it is to provide an equitable distribution of the goods of war in time of a general mobilization. Without some such mechanism it is very difficult to mobilize a total population in time of general war, to have everybody go to his best slot, to make best use of the people you have. But I see the draft as having no place in our society in time of peace. I see no excuse for it at all.

Now when you talk about a draft you have to talk about force requirements—Dean Meckling has mentioned some of these—the problem of manning military services. The question of whether we need a draft at all is very intimately related to the kind of national policies we have and the way in which we use our military power. I have felt throughout these years since the end of World War II, that there has never been any need for a draft at all, that it is only the bad military policies which we have followed which have required the kind of manpower mobilization which we have actually had.

If you take the situation in Vietnam, and Southeast Asia, you have some 20 million North Vietnamese who were lost to the Communists in 1954. You have among the Thais, the Laotians, the Cambodians, and the South Vietnamese 60 million people who want to be free. It seems to me obvious that those 60 million can beat the 20 million if the U.S. will simply support them. The real history of the war in Vietnam is that we have failed to support the people in South Vietnam and Southeast Asia who wanted to be free and have intervened ourselves in mistaken notions about how to preserve peace; we have caused the war in Vietnam. I see no excuse for ever having any commitment of men to Vietnam. If our power had been used properly there would never have been a war in Vietnam.

Now a similar situation exists in Europe. The protection of Free Europe has been achieved by the U.S. nuclear deterrent. There has never been any danger since the end of World War II that Russia would invade and conquer Western Europe, not while our military deterrent was committed to the defense of Western Europe. We lost Czechoslovakia in 1948. Thereafter the countries of Western Europe formed in the Brussells pact, a self defense organization. We then joined up in NATO and committed our power to the defense of Europe. Now the building of NATO forces which followed was in large measure window dressing. It did a lot to introduce dollars, but from the military point of view it was absolutely unnecessary to protect Europe. Our allies in Western Europe already had, under the Brussells Pact, ample military power to protect themselves. With the American deterrant Europe was secure.

So I have felt in the intervening years there has never been any need for the 5 divisions which we sent to Europe in 1950. Those divisions were authorized by the Congress to be sent there only temporarily, to be replaced as fast as possible by divisions of four European Allies. By 1958 the need for those divisions even on that basis had lapsed. They could have easily been returned but then we were embroiled with the politics of Europe and no politician in Europe, of course, would like to increase his military appropriations and divert funds from social purposes when he can get the United States to provide the troops instead. And so we have played along with the politicians of Europe and allowed our men to stay in Europe.

Well, what I'm coming to, on this question of force requirements is that when you add it all up there's no need for the manpower we have in Europe and no need for the manpower the United States has in Vietnam, and that if we use our power properly we can reduce our forces and get well within the limits set by the Gate Commission. The effect of our overcommitment of manpower and the waste of our substance in this kind of war of attrition which we fought in Korea, and which we have fought again in Vietnam, is to undermine our confidence and national confidence in the U.S.A. We have the spectacle now of Senators saying, "Well you can't win this war."

But how ridiculous it is to say the United States can't win this war. We never had a President who wanted to win the war in Vietnam. They've all said they didn't want to win the war. Of course we can win the war when we have the will to do it. And we have Senators now who are saying that, well, we can't afford to protect the free world. We have to withdraw from our outposts. Of course we can protect the free world. The free world has two thirds of the world's people, it has five sixths of the world's industry, and to say that the free world can't protect itself is utterly ridiculous. But there is a question of how you do it, and we've been doing it the wrong way.

Now if we're going to change and reduce our force requirements as they should be reduced, you then enter upon a question of timing. I say there's no need for this manpower we have in Southeast Asia and in Europe today. It could be brought back, but it takes time to do these things. In Southeast Asia, what we should do is go into Laos and knock the North Vietnamese out of Laos. That will secure the western border of South Vietnam, put an end to the attacks on that country and you'll have peace. In Europe we have to give the countries there whom we have been protecting a chance to build their own military forces to replace our forces which are being withdrawn, and this may take a little time. So there's a question whether we can do all this within the next year, or whether, perhaps, we should delay the time for the establishment of the volunteer army beyond the first of July, perhaps until the first of January, 1972.

As to the bill itself, a lot of details have been taken, as Senator Hatfield said, from the Gates Commission. It would seem to me better simply to make in the bill a statement of policy for the volunteer army and put an end to the draft. Then we should call on the Defense Department to propose the amendments to law, which are required to restore the volunteer army. One point about the draft which I think is important is this: we have had a lot of discussion about the division of powers. How far may the President go in the use of the military forces which we have mobilized in time of peace, in defending the interests of this country around the world without committing us to war?

There's been great concern about the buildup in Vietnam. It seems to me the draft can be a very useful instrument in this respect. I would think the draft . . . the provision for the stand-by draft should be this: the draft may be invoked by the President only in time of war declared by Congress. The President, in time of peace should be limited to the volunteer force which he has and can maintain. In time of war, when he needs a greater mobilization, he must go to the Congress for a declaration of war in order to invoke the draft. I think in this regard the draft would be helpful in drawing that line between the Presidential authority and the Congressional authority.

One other aspect of this that should be

considered in a volunteer army is the question of family allowances. As had been pointed out, the problem of getting volunteers for an army is not unrelated to the economic situation in the country. One of the bad aspects of the draft, I think, is that in continuing the war-time provision whereby everyone taken into service was given family allowances, regardless of his age, we have in these years, tended, I think, to promote child marriages. Young people who felt they were in love while the young fellow was going off into service would get married so the wife would get some income.

The British, I think, at the time that I was at Fort Leonard Wood, had a different provision. They had a draft law. They said that anyone who was drafted did not get family allowances until he reached the age of 23. A man was presumed not to be married up to the age 23, and if he got married before that time and was then drafted, he got no family allowances while he was in the British Army. In the volunteer army before WWII we had no family allowances except for what we call the top three grades of the seven enlisted grades. So that a young man had to come into the army and had to work his way up through the lower four grades to the third grade from the top before he could draw family allowance. I think it's important that in time of a mobilization under a draft that you have family allowances for everyone who is called a servant. In peacetime armies that is not required. I would think it would be very important not to have any such provision.

What we want in a peacetime army are young men who are looking for adventure and want to go out and see the world and learn a trade, find out what's going on in the world, and who are going to come back and get married after they've had their military service. The only provision for family allowances in a career army should be for those who are committed as career men and are going to spend their lives in the military service. This normally will be those in the upper grades. Well, that's the general picture of the draft from the military viewpoint as I see it. My only counsel at this point would be to do it.

SPEECH BY SENATOR BARRY GOLDWATER

Mr. Chairman and distinguished guests, I'm here today to tell you that the voluntary military proposal will definitely be brought to a vote in the Senate in this session. And what's more I think it has an excellent chance of passing. Now it may not stay in the bill as it comes from conference with the House. But the advantage of having one House act on it is that when it comes up again we know the position of the upper House and that helps a great deal.

This plan now has at least fifteen votes that we can count on. We have that many Senators who are sponsors of the bill. We added Senator Proxmire just a little while ago. And I know several more that have taken the position for it, but they've not taken it publicly.

I want to make it clear that we are serious about this effort. It is not something that we're trying to do to placate or trick the young people of this country. It is being done because we feel it is in the best traditions of our country. And it's a normal way of life under our system of government. In fact, up to the time of the Civil War there had never been a compulsory system of military service, in the United States. I might add that Napolean was the rascal who dreamed this all up in the last of his wars. He conscripted everything in France, including horses and women.

The involuntary draft first appeared in this nation in 1863. After that it was dropped and didn't show up again until 1917, when it was used and then, of course, it was dropped after the war. In 1940, the draft came again; it was allowed to expire in 1947. But one year later the Congress passed a draft law and that one is still with us. It stays until the end of June next year, at which time if it is to be renewed, the Congress will have to do it.

I think in the brief history you can see that the fact that the draft has continued since 1948 is contrary to the entire past history of the United States. This practice has no place in our system of freedom except as a temporary expedient.

Now when the law is used to tell a young man how he shall spend several years of his life, this causes an invasion of the most precious and fundamental of human rights, the right of each citizen to live his own life, or as you young people say today, "To do your thing." And to do this as you may choose. This is why as a conservative I am so strongly and emotionally committed to the voluntary military approach.

Not only do I believe that the draft is wrong, but I also believe it is ignorant to assume that free men have to be forced to fight for their country. I'm just old fashioned enough to believe that there are still a great many Americans among us who think enough of their freedom that they are willing to fight for it. Furthermore, I think the rest of the Americans are willing to pay those who serve in the military a good and ample wage, with fringe benefits, for shouldering the task.

I would remind you this morning that this is not a new cause to me. I might say that I came to the conclusion to support this position during the last five years of my military service of 37 years as a Reserve Officer, durting which my Mobilization Day assignment was Deputy Chief of Staff for Personnel for the Air Force. As I watched the inefficiency of maintaining the draft I became convinced that we had to institute a different system. In acting on this belief I helped to draft the Republican National platform in '64, which pledged to end the draft altogether and as soon as possible. Also, I remember the very first speech of that "cliff-hanging" campaign I was engaged in during 1964, when I strongly endorsed the Voluntary system.

Since then we have heard a lot of talk about the plan, but all too often its been discussed in only an academic way. Now in 1970 the picture has changed. The opportunity for dismantling the draft is a real one. Now, all of you here I believe have heard of the findings of the Gates Commission—that is the Commission that was organized under the direction of the President to reach some conclusions on this issue. Their conclusion—to put it briefly—is that a Voluntary system will work.

In fact, it is not all that drastic a change in the system that we have right now. The truth is that our current military forces are made up predominantly of Volunteers. This is something that many people don't realize. We have in my State of Arizona for example such a large number of Volunteers that our draft call in many months has practically been non-existent.

According to the Gates Commission the great majority of servicemen are either individuals who have reenlisted after their original obligation had ended, or first-term enlistees who say they would have enlisted even had there been no threat of the draft looming over their heads. The existing base of volunteers is so large that the Gates Commission found, and I quote, "A fully Volunteer Force of 2.5 million men can be achieved by improving pay and conditions of service sufficiently to induce approximately 75,000 additional young men to enlist each year." Now let me repeat, all it would take to put a fully Volunteer Military force into operation is an additional 75,000 volunteers each year. And I feel this can be achieved.

I disagree somewhat with the report's cost estimates, which say it would cost $3.2 billion in the first few years and would drop to $2.1 billion, once a voluntary force began operating on a continuing basis. This is too high. Really the reason I was originally deeply interested in this proposal was as a result of my annual tours of duty with the Air Force in Personnel at the Pentagon. I was astounded at the amount of money that it cost just the Air Force alone each year to retrain a man for a slot that had been vacated by another man. This training in a four year term can run as high as $250,000 in the case of enlisted men. In the case of officers it can be double that amount.

In fact, you may not know it but in a B-52 first-term pilot we have invested about a million dollars in training. The average enlistee or draftee that goes through, let's say training in electronics at Kiesler Air Force Base, has over $80,000 invested in him. Now if he dropped out somebody has to fill that slot and the estimate that I came up with, just looking at the figures that I have available, was that it would save the Air Force alone about 1 billion dollars a year if we could have men that we could keep.

We have to note that the Commission study doesn't fudge at arriving at its estimates. Contrary to what some critics have said the Commission took full account of the problem which the Army had in staffing itself in competition with the other services. The Commission wisely set its compensation tables at levels high enough to provide the army with the quantity and quality of volunteers required by by it. The Commission noted "The evidence is overwhelming that if compensation is set at levels which satisfy army requirements, the other services will be able to attract enough qualified volunteers to meet their respective requirements."

Now another misleading question that you will hear raised by critics is "What happens in case of a national emergency?" Of course, the answer is that the first recourse will be to the Ready Reserves, including the National Guard. I have to say in a rather critical way that both of these sources of manpower have not been completely used in the Vietnam situation. Some Air National Guard groups have served in Vietnam, and some Reserve Air Lift Forces have helped, but there are literally hundreds of thousands of people who could have been used, who wanted to be used, but were not called up.

In the event of a national emergency, of course, we can always go back to the draft system. It takes just an act of Congress to set it in motion. But conscription cannot provide emergency forces, it never has, and I see no way, after 37 years of Reserve service that it can. We can have a sufficient existing Reserve to meet any National Emergency. Thus it will be the Reserve forces which will provide immediate support to the active forces. Like the active duty forces the reserve forces will be recruited on a voluntary basis.

The legislation which we have sponsored will automatically increase the drill pay for Reserve participation, at the same time that it provides pay increases for the active component. In my view, this increase will be sufficient to encourage reserve enlistments adequate to maintain a voluntary reserve force which is large enough to support a voluntary active duty force. Furthermore, our proposal takes the common sense approach of providing for a stand-by draft, in the case of an emergency. Conscription could be reinstituted by an act of Congress, almost immediately, because our plan provides for the continued registration of all young men in the United States even though the draft itself will be done away with.

In closing, I want to repeat that the Voluntary Military Proposal is sensible and morally justified. Next week the members of the Senate will have the opportunity to stand up and be counted on this issue. I believe it will be successful. This is a cause whose time has arrived, and for those of you who are staff members of either Senators or Congressmen, I think it would be very helpful if you, after listening to these remarks to-

day, and having studied it, would counsel with them. Not too many people, unfortunately, in the Senate understand the draft or how it works—or even why we have it. While many of them have gone through the experience of being drafted, once they are here they forget about it, and depend on the Armed Services Committee. Unfortunately in the Armed Services Committee we don't have real high excitement about even having hearings on this Bill. That is why we are going to try the amendment route and if we fail then we will, by a high vote, at least have built the momentum for bringing up the plan in Committee.

QUESTION AND ANSWER PERIOD

Question. *Jerry Baukl, Associated Press:* I'd like to ask one question—I haven't heard answered or asked. How are you going to fill the hard to fill spots, like infantry people. I haven't heard that answered in all the material—I have read just about everything on the subject and I've never heard it answered.

Senator GOLDWATER: I'm not sure that these answers will be satisfactory to the question, but I think they will be. First of all, the requirements of the Army of the 1980's will be, I'd say, half of what they have been. We know this because of the success of electronic devices we are using to detect the enemy, which takes usually about 75% of the ground force, with 25% used for destruction. Then we have heavy airlift capability, which can put many men and much equipment anyplace in the world with great speed. We will increase pay, although we will have other problems than just the infantryman, or the ground pounder. We have the problem of doctors, we have the problem of lawyers, we have a very serious problem in the retention of atomic submarine crews who don't like being away from their families. We're already trying to correct those areas, making it possible for the family to be nearer to the man who is doing the fighting, or who is overseas someplace. We know that this is going to be a problem. It's always harder to get a man to volunteer for the infantry or the Marines than for the Navy or the Air Force.

I've always felt that there are enough people in this country who want to be soldiers, sailors and airmen, even though you can well argue there are other ways of life that are more attractive. I always think of the man who becomes a minister, the man who becomes a farmer, or a policeman, or a politician, as a man who gives up his life work to do something because of devotion and not because he's going to make money at it. I think this will apply here.

Professor FRIEDMAN. May we add something to that? I was just going to suggest that this is a problem that of course concerns us very much in the Gates Commission. If you will look at the Commission report you will see that as Senator Goldwater mentioned, the pay increases were judged primarily in terms of their effectiveness in recruiting men for the Army, as opposed to the other armed forces. If you look at the tables in Chapter 5 of the Report, you will see that the armed forces are considered separately in each case—the army is considered separately from the Department of Defense because we recognized that that was a critical element. As the report indicates it is our judgment that if you were able to get the recruits for the Army then you will have no trouble whatsoever with the other services, you'd probably have a surplus.

If you look also at situation table 5–1 which I think is in some ways the most interesting, for the army alone, it's also worth noting that 65% of the enlisted personnel in the Army are now true volunteers. So even in the Army, as opposed to the Armed Forces as a whole, the number is—well, I'm sorry, I was looking at June 30, 1965. On June 30, 1967 it's a little lower than that, it's 46%, whereas it's 60% for the Armed Forces as a whole. But the point I'm trying to make is that you do have a considerable number of people volunteering now. We have suggested pay scales which would represent the largest increase for precisely the kind of group of people you are talking about. The study suggests that would provide an additional number.

In addition, as Senator Goldwater is suggesting, with the higher pay for the armed forces there will be a strong incentive for the armed forces to be more efficient in the use of the ordinary foot soldier. So, I think that the problem you are raising is a very real one but not the most serious problem. I really think the most serious problem of all is the one Senator Goldwater just mentioned of the physicians—that's more serious than the infantry.

Dean WILLIAM MECKLING. In fact, the problem really isn't with infantry people in the army, it's with technical people. If you talk with people in the army you will find that their concern is not over the traditional infantry people but over getting technical people in the army. Secondly, one of the Commission's provisions was the recommendation to establish a new hostile fire pay, which is a substantial increase over what now exists—$200 a month. Also I think will help in respect to the infantry's itself.

JERRY BAULK. Isn't getting technical people more difficult than keeping them?

Dean WILLIAM MECKLING. It is now, but it won't be under this plan. It'll never be a hundred per cent.

Professor FRIEDMAN. But you see, on the keeping of them, the re-enlistment rate of draftees is very low. The re-enlistment rate of volunteers is very high. So that these are not really different problems. It's having terms which will induce technical people to volunteer, which will also enable you to keep them. And if you have to depend on the draft to get your technical people then you're not going to keep them, then you have the problem that Senator Goldwater is talking about—retraining.

Maj. Gen. THOMAS LANE. I would make just one brief comment. We shouldn't think of the infantry, in the old terms of the fellow walking along with a rifle. The modern infantry, particularly in a peacetime force which should be an elite force, will be a highly trained force. Your infantrymen are going to require considerable skill with modern weaponry. We tend for historical reasons to regard the infantry as something very different from the present infantry. QUESTION: LOWELL PONTE, "HUMAN EVENTS": Two questions, I apologize that they're not better related. One, in terms of controlling pay within the military, and setting it in those regards, I wonder particularly how General Lane and perhaps Senator Goldwater would respond to ideas of unionizing the military, as has been done off and on in some aspects of the West German Military, and what effect this would have on pay if men could collectively bargain to improve their pay?

Secondly, peripheral to that, a book just released this month by Rutgers press, includes several very distinguished military officers talking about lightning war, as a new alternative to the kind of situation we have found in Vietnam. A very fast-hitting war, the sort Robert Heinland talked about in his 1959 book. I wonder if this kind of war suggests what we need a high degree of professionalization among soldiers, even in the infantrymen—something that would preclude a draft force.

Senator GOLDWATER. I start off with this thesis, I don't think any person who works for the Government in any respect should ever be allowed to strike. I think they can collectively seek better living conditions and so forth, but I'd hate to think of any big segment of Government service striking. We saw it in the Postal service, and it disrupted this nation for two or three days, and a week of it could bring this nation to its knees. If the Army had the right to strike, or the Navy or the Air Force, I think this would be very very dangerous.

As to the lightning war, this is the aim of every war. First of all, no President in his right mind, wants to go to war; no Congress wants to go to War. War is an instrument of national policy that's used only after we've exhausted the possibilities of economic warfare, of political warfare, of propaganda warfare. And then the choice is a very tough one. But, if we have the forces necessary, and the enemy knows we have the forces necessary, and if the enemy knows we will use these forces as they should be used, the chances of not going to war are greatly improved. I might say, as I've said publicly, I've said it during my campaign, the war in Vietnam need never have started had we used the threats of our great air power, Navy, and Air Force, and had convinced the Vietnamese Government that we would not hesitate to drop conventional bombs—not atomic or nuclear bombs. This is the way Britain kept a pretty good peace in this world for nearly 200 years. Not that there were no wars, we've had 14,000 wars in 7,000 years, at two a year that's a pretty good average.

We've fought this war in Vietnam wrong. I hope to God we never get into one like it again, but if we do I hope we decide to win it the day we decide to go into it. Then you have the lightning war. This has dragged and dragged and dragged because Secretary McNamara and President Johnson, neither one of whom understood much about war, came up with this idea of limited war. There's no such thing! When you get into an argument you don't limit yourself, you use every faculty you have to get the argument over in your behalf.

Maj. General THOMAS LANE. I would agree with the remarks of Senator Goldwater on both of these questions. We organize military forces to protect this country. The purpose of organization must be to provide the most efficient force for the protection of the country. We don't organize it to provide employment to men or to provide occupations for anybody. I would say unionization had no place in a military force, and I would agree with Senator Goldwater, I think it has no place in a government organization. It's getting a place in government organizations only because government has taken on functions which are not its proper functions. As to the lightning war again I would agree, this is the right way to fight a war. The classic example in modern time is the six day war of Israel. If you're going to use military force that's the way to use it. Achieve your objective with a minimum expenditure of your fire power and force. And don't waste your forces in your fighting. Another classic example is the Soviet occupation of Czechoslovakia without any opposition. They didn't have any war of attrition in Czechoslovakia. If you're going to use your military force, there's a right way to use it, and we've been using ours the wrong way.

Question. Steve King, Senator Gurney's office: I wonder if Dr. Friedman or Senator Goldwater could amplify on the costs and savings of the transition to an all-volunteer army.

Professor FRIEDMAN. I'm not sure that I understand precisely your question because the savings have to be considered under two headings: Savings to the country and budgetary savings in dollars as they enter into the government budget. The savings to the country are, one, that you have fewer people spending their days and their nights in military service defending the country. Fewer man hours devoted to that because the manhours are used more efficiently, and fewer of them are spent and wasted in training. Saving number two to the country is that you have fewer manhours spent in trying to figure out ways to avoid the draft and get out

of military service. And that probably swamps the first saving. It's probably the major amount. Three, you have a smaller misuse of people, in private employment, because employers do not have to consider whether the people they hire will subsequently be drafted when they employ them. Therefore they can hire the people who are best suited for their jobs and who they get on the best mutually-agreeable terms. I think those are the three overwhelmingly important direct economic savings.

There are indirect economic savings, and in many ways these are more important. These include the draft's effect on the whole temper of the country, on the tone in which social economic and political problems are considered, from the removal of the enormously-divisive force of a draft which sets one part of the country against the other, which has done more to undermine the common shared values that we hold than anything else you can name. Now those are the savings from the real point of view, from the country's point of view.

Now you come to the side of the budget. The net figure—I happen to agree instinctively with Senator Goldwater's judgment, I really believe, even in terms of budgetary expense, when you finally shake everything out, it's going to be cheaper to the country. That's my own personal intuitive feeling. What the Commission did, however, was to lean over backward in trying to assure that it made the highest likely estimate (not the highest possible estimate, you can be absolutely absurd, as the McNamara group was when they came out with the 17 billion dollar estimate. This would have enabled you to add $10,000 a year to the pay of every single armed forces person, whatever year he was, which is absolutely absurd). The Commission said it was not going to take into account anything but what was pretty clear and pretty definite.

They added in the plus side the budgetary expense of the higher pay they proposed. They subtracted out as savings only very minimum amounts involving the fact that there were fewer people in training status and therefore they subtracted out their pay, the pay of the people doing the training and the people in training. They made a minimum allowance for possible civilianization, and in effect they made very little further allowance for a more effective use of the military manpower. So, I think you can take the Commission's estimates as an upper limit to the actual dollar budgetary cost of a voluntary force. As I say, my own judgment is that there are very large additional savings that would be forthcoming in the form of a more efficient use of manpower and less wasted manpower.

Question: Lowell Ponte, Human Events: Just a peripheral question. Mr. Friedman has mentioned the increased use of civilian manpower related to the military, and I wonder if he would anticipate civilians who would come in and be doing jobs now being done by military people, if they would have the capability of unionizing and bargaining collectively? Or whether they would be under more or less military type regulations.

Professor FRIEDMAN. You know, we're all of us very much affected by personal experiences. I remember my sense of shock at the absurdity of conscription. It was greatly heightened in the course of Commissions hearings when we had a session down at the Pentagon. The Pentagon provided cars to drive us back to our hotels, and the driver of my car turned out to be a man who had been conscripted into the military, spending his whole conscription service as a chauffeur in Washington. Now I think that's absolutely disgraceful, to use the power of conscription to force a man to be a chauffeur in Washington. You surely can hire chauffeurs in Washington, why was he being used as a chauffeur? Because this was a weekend, and a conscripted military man does not have to be paid time and a half, while the civilian employees used as chauffeurs would have to be paid time and a half. So from the point of view of the military calculations they were quite right. They were instructed to keep their budgets as low as possible. And it was cheaper in terms of the dollar expense on the books to have that conscripted man drive me to the hotel than it was to have a hired chauffeur. Of course what would have been cheaper yet would have been to hire a cab—to get the government out of the business of providing cars for people to go back and forth and use the private market.

But in any case, going to your question, I think that there are enormous opportunities in this way for having civilians used. In many many different jobs and activities. Now the next thing you asked was what about unionization. I think there is a problem of unionization. You are going to have civilian employees, and I don't really see that this raises any different problem in the kind of jobs we are now talking about for the military than it does for any other part of government. It doesn't seem to me a special problem. In fact, maybe it would increase the effectiveness of the country if the bookkeepers in the Pentagon went on strike. I can well believe that is the case.

I think the Senator and I are in complete agreement that this is a problem common to all government and has nothing special about it. Now I also agree with the statement that General Lane made. The reason we get into this problem is because government is doing things it ought not to be doing. We ought to have private postal services and then the postal employees would be striking against private employers.

I agree with Senator Goldwater what with respect to the essential functions of government there isn't room for strike and unionization. But when government engages in peripheral functions. If the government is going to put up a plant to manufacture a product then I don't see any reason why the employees of the Post Office should not be on the same basis as the employees of other enterprises.

Senator GOLDWATER. I might just add that a good example of what you're talking about has been done by the Air Force. In practically all bases in this country—I refer to Luke Air Force Base because it's near my home—all of the line maintenance on the F–100s and the F–104s and soon F–4s is done by contract with Lockheed, which brings civilians in. This releases a good enlisted man for other services. We've actually saved a lot of money by this. Now that man certainly has a union—and the Air Force has to bargain with these unions—but we can live without these workers if we have to. During ordinary times, this has turned out to be a great money-saver for the Air Force. But they have the right as anyone has in private employment to strike. With respect to public employment, even teachers . . . I think it's regrettable that any person goes into service at any level of government with the idea that their union can force the government to do something that the government really has no right to do because it is the people that the government represents.

Question. Chris Ong, Congressman Adair's office: What kind of personnel relationships would a Voluntary Army entail? And would a volunteer be able to differentiate between two and four year terms, or would he take a job in the armed services, as in industry?

Professor FRIEDMAN. If you look at the Gates Commission it proposes that the terms be made for enlisted men as they now are essentially for officers. This is also the impact of the amendment that has been offered. What this means is that typically speaking the individual who enlists would enlist for a minimum initial term, and the length of that initial term would be determined by the Armed Forces, in accordance with the amount of training that the man is going to receive. You don't want to let a man whom you are going to retrain as a pilot enlist for two years because you are throwing away the training. And so, the Armed Forces would have the right to specify minimum terms of enlistment, corresponding to the amount of training they were going to get. Beyond that, the individuals would be free to accept or not accept these terms.

We recommended that the Armed Forces try to make available a maximum of choice to potential enlistees about the branch of service, about the form of activity, and beyond that the initial obligated term of service. People would be on a contractual employment basis the way officers are in that an officer can at any time, unless he has made special arrangements about training, ask to be released. However, there are provisions that at a time of national emergency or war, this can be abrogated.

There are a number of other special escape clauses to allow for the obvious examples where it might be difficult. If a person has enlisted, lets say in the Navy, and he is on the shore duty, he can't quit simply because he has been assigned to sea duty. If you look at the amendment you will see that that is spelled out. The essential feature of it is to make the enlisted man's situation essentially similar to the present situation for officers.

I'm surprised that nobody here has raised the issue that I always get thrown at me, the problem of mercenaries. Bill Meckling touched on that a moment, but I really do think that that is an extraordinary misconception. I always answer that by saying that I'm a mercenary professor. You people are mercenary legislative assistants, Senator Goldwater, if he'll pardon me saying so, is a mercenary Senator. I am treated by a mercenary physician, and so on down the line if by that all you mean is that people are paid. Of course people are paid, and should be paid.

If by mercenary you mean what has sometimes been used, a foreigner who hires himself out with a gun—a gunslinger—over 60% of the people in the Armed Forces today who are volunteers are not mercenaries in that sense. The volunteers under the new arrangements are not mercenaries, they are professional people who are doing a job for their country.

I answer this also in a different way, saying when somebody says that we have a mercenary army, I say, "Well, would you really rather have a slave army?" If you are going to use the mercenary in this perjorative sense to describe the man who volunteers for service, then the appropriate counterpart of that is to use the term slave for the man who is compelled by force to particpate in the service. I think the U.S. cannot exist if it has to resort to either slaves in the one sense or to mercenaries in the other.

If this nation is going to exist it must be because service in the Armed Forces is an honorable and dignified career, contributing to the well being and the protection of our nation.

And let me say one more thing, I feel more strongly than I ever did before, that in many ways the chief reason why we must get rid of the draft is because it is undermining that concept of armed services. I think that the military has been enormously short sighted in not recognizing that the continuation of an effective military force in this country is impossible if we continue with conscription. Because conscription is destroying the image of the military. It is making military service appear to be equivalent to a term in the jail. It is demeaning the whole concept of military service.

Not all of the military people by any means, are short sighted but those military people who say well we can't do this because the extra money that will be required for voluntary pay is going to come out of military appropriations, and we badly need those military appropriation they are being short-

sighted. Congress and the country is not going to vote military appropriations to an army that is widely regarded as a shameful activity. You are not going to get it. If this country is going to maintain its military forces, if Congress is going to be willing to vote funds for an effectve military, its going to be because military service is regarded as a dignified, noble, patriotic, important activity. It will not be so regarded unless you restore to it a completely voluntary status.

May I say one more thing, I think entirely aside from all these other considerations, if you look forward, conscription is becoming unenforceable. We are getting into the situation with conscriptions that we were in with prohibition. When you are getting rates of refusal to be inducted on people who have been called for induction of 25% as you are in some parts of California, as I understand it; when you are getting the amount of legal manipulation to avoid it (there is no young man in this country today who can afford it, or who knows where to go, who cannot get legal and medical counsel that will enable him to avoid being conscripted. Now that is a little exaggeration, perhaps, but it is not much of an exaggeration) then you are getting conscription into the position where only the most ignorant and least knowledgeable people are ever going to be conscripted. When you are getting it into the position where a large fraction of the people who are called are not going to go, it is becoming an unenforcible part of our lives.

You are far better off to face up to that in advance, get rid of it, restore a voluntary army, restore dignity and prestige to the military, try to reform our military so it has a more effective recruiting procedure. Senator Hatfield made this point when he said that he was not one of those who was arguing for this as a way of undercutting our military strength; on the contrary, an absolutely essential prerequisite for the maintenance of an effective military force in my opinion is that we get rid of conscription.

DAVE ATCOCK. I understand that David Callard is here. He was the Deputy Executive Director of the Gates Commission Report.

DAVID CALLARD. I think the subject has been covered very well and I think you all have been an attentive audience. I think that the primary thing I could add—I think it's been said before so I won't dwell on it—is just that the many arguments that an all-volunteer force is undesirable assume that it radically changes the military. The figures that Dr. Meckling has quoted underline the fact that this isn't true, that we're talking about a difference that might involve at the most of several hundred thousand individuals. Our best estimates are that the same kind of people who have joined the military in the past are in it today. All the arguments that contend the all-volunteer force is a danger to the country, that it is going to be bad for the military, bad for the civilian society, assume a drastic change that just doesn't exist.

Anyone who examines the evidence—going back to Dr. Friedman's original point—really can't put together a convincing argument for the draft on that score. The arguments made, and I was just reading today an article by Peter Barnes in the New Republic, that an all-volunteer force will shake the foundations of society, are arguments put together by people who really haven't looked at the evidence at all and I think that is the thing that is shocking and very disappointing. Hopefully, the bill—the amendment—now that Senator Goldwater and Senator Hatfield have offered it will dramatize this fact and do away with a lot of the fog of really unfounded arguments that surround the issue of the all-volunteer force.

DAVE ATCOCK. In conclusion, let me extend Young Americans for Freedom's thanks to you all for attending and especially to our distinguished panel today. We also wish to thank the National Council to Repeal the Draft and their National Director Tom Reeves for their assistance in this important conference. We hope that you will return to your Congressman's office and give him the information that you have picked up today.

THE ENERGY CRISIS AND FAULTY TAX POLICY

Mr. GORE. Mr. President, suddenly and without warning, to hear some tell it, the United States is now faced with an energy, a fuels, crisis. We are, indeed, faced with a disturbingly dangerous crisis in our supplies of fuels for the generation of electricity, and without ample and reasonably priced electrical energy our whole national economy will be endangered.

Coal stocks for many powerplants are now "below normal operating levels," according to the Federal Power Commission. Some TVA powerplants are down to a few days' supply of coal, a work stoppage or a transportation tieup would cut power supply drastically and quickly.

Natural gas has been in short supply for months, and is now, again to quote the Federal Power Commission, "critically short."

Residual oil stocks are low, and rigid import quotas, only this week receiving the approval of President Nixon, keep them low.

There have been many delays in getting nuclear powerplants into operation. Even more important in the long run, the Nixon administration is denying funds for the development of new concepts of cleaner and more efficient nuclear reactors, and is resisting, also, the modernization of the nuclear fuel plants, a prefatory action to its plan to sell such plants.

With all this scarcity of fuel, much of it, I am convinced, artificially induced, prices of fuels are advancing pell-mell. Coal prices are going up at a rate of 56 percent per year; fuel oil is going up 48 percent per year. These administered price increases, together with other elements of cost, including the cost of borrowing money, one of the largest of all cost elements, will push up prices consumers must pay for electricity. Consumers may have to fork over another billion dollars each year for electricity. This will be another big increase in the cost of living.

And, what may be even more serious than cost problems, many plants, particularly small plants already operating marginally, may be forced to close, throwing more workers out of jobs.

This fuels shortage has become apparent with some degree of suddenness to the general public. But Government sources have known for a long time what was happening. Perhaps I may be pardoned in an election year to recall the several speeches I have made on the subject, beginning in 1966.

Administration authorities have known, but have refused to take needed action. The only action taken has been in the wrong direction, to keep the rigid import quotas on for foreign oil, thus making a bad situation worse. A revealing article, written by Mr. Bernard Nossiter, appeared in today's Washington Post. I ask that it be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GORE. Mr. President, various apologists for the Nixon administration, and for big business, have advanced a number of excuses for the current crunch. Among these are measures to preserve the environment and the coal mine safety bill. These are flimsy excuses. The real causes will be found elsewhere.

The truth of the matter is that the country is now faced with a quasi-monopoly of fossile fuels. The oil companies have gobbled up enough coal production to give them a corner on the market. The administration is helping out with its import quota on foreign oil and with tax policy. Moreover, the administration is even trying to "sell" our nuclear fuel processing plants to private investors, most likely a corporate cartel. Who else could buy, finance, and operate a multi-billion-dollar undertaking?

I must in all modesty repeat what I said in an address to the Senate on August 11, 1966. On that date I protested a tax ruling by the Internal Revenue Service which enabled X company, one of our largest oil companies, to swallow up Y company, one of our largest coal producers, with tax free money. During the course of my remarks, I stated:

> I can foresee a situation, not far off, when we will no longer have an independent coal industry. We may well have all major energy sources—petroleum, coal, uranium—under the control of a very few powerful corporations.

I take no credit for being a seer. That conclusion was clearly discernible on the basis of human nature operating in an atmosphere of ambitious corporate greed and grab that I have seen develop though I have fought it. The connivance of the Federal Government in this raid against the consumer, which I repeatedly fought in the Johnson administration, has become even more blatant in the Nixon administration.

The Government has been a party to this disgraceful filching to which consumers have been subjected. And, while I would lay much of the blame at the back door of the White House, the Congress, itself, cannot escape bearing its share of culpability. For Congress makes the tax laws, and it is the tax laws that form a good solid base for this empire building in the energy and fuels business.

Is it not ironical in the extreme that the consumer qua taxpayer is forced by his own Government to pay much of the cost of putting together these very conglomerate corporations which now demand their pound of flesh?

Tax advantages granted to combinations of economic power are not the sole motivation for the spate of corporate mergers, acquisitions, and takeovers that, in the past few years, have resulted in the concentration of our energy resources in the hands of a very few corporate giants. But these tax advantages are frequently of critical significance in effecting corporate combinations. Nor are the evils of corporate concentration limited to the energy field—for the consumer feels the adverse impact of the lack of free competition and the operation of an

open market mechanism in every area where the merger mania has hit.

But as the growing concentration of energy sources centers the power in a few hands to increase energy rates that must be paid by the American consumer, one is also forced to ask whether this consumer should be required, through special tax preferences, to subsidize the creation of these corporate octopuses whose tentacles are reaching into the budget of every household in the Nation.

I have taken time carefully to review those aspects of the tax laws that encourage this concentration of economic power because of the very great economic and social importance of developments. I will suggest specific remedies to eliminate the tax subsidies that are helping to promote monopoly and which are conducive to the development of corporate conglomerates that are exempt from the strictures of a free market system.

The greatest single tax incentive now to combinations of corporate giants is the privilege of combining one or more businesses through the tax-free exchange of corporate stock and/or assets. The growth of the corporate merger movement in the past few years has been startling. According to the Chairman of the Securities and Exchange Commission, the number of merger announcements in 1968 was over three times that in 1963. Over 90 percent of these mergers were classified by the SEC as conglomerate mergers; that is, mergers of two corporations in different fields of economic activity. For example, in the energy field, one of the largest combinations occurred in the tax-free acquisition of A company, a major coal-producing corporation, by B company, an oil and gas corporation.

The tax-free reorganization provisions of the Internal Revenue Code were originally enacted to permit tax-free changes in corporate structure that did not significantly change the economic status of the shareholders. However, this original purpose has long since disappeared as the tax-free privilege has been utilized to effect corporate combinations of profound and far-reaching economic significance, not only to the shareholders of the companies involved, but also to the entire consuming public and to our system of free economy.

To restore the tax-free reorganization provisions to their original purpose, and to put an end to the tax inducement for the ever-increasing concentration of economic power in fewer and fewer hands, the privilege of tax-free combinations, if permitted at all, should be limited to corporations in which the resulting corporate structure has combined assets of less than $50 million. This provision would enable smaller and dynamic companies to combine where considerations of efficiency and customer service dictate its desirability. On the other hand, it would inhibit those combinations that are motivated by a desire for economic concentration and power which, in the long run, can only serve to harm the interests of the American consumer.

The second major tax inducement to corporate combinations is the deduction allowed for "interest" paid on certain corporate securities used in corporate acquisitions. These securities, although nominally debt instruments, are in fact highly speculative equity investments in the acquiring corporation. From the standpoint of the acquiring company, a deduction for Federal income tax purposes is obtained for the interest paid on these securities. If these instruments—usually convertible debentures—were treated as stock, then payments made by the acquiring corporation would be nondeductible dividends rather than deductible interest. Quite a difference. Many of the large conglomerates today were formed by using just this technique. And, as the history of L–T–V, to give but one example, illustrates, the effects on investors and the public alike can be serious.

In the Tax Reform Act of 1969, Congress attempted to place a limitation on this debt-equity switch by denying the interest deduction in the case of debt obligations used to finance corporate acquisitions. I doubt if the action we finally took is sufficiently effective. It should be tightened still further. The provision may be circumscribed and I think it is safe to predict that the giant corporations, with their hosts of tax advisers, will be able to avoid these provisions with ease.

It should be said that Congress, with but little help from the administration, made an earnest attempt at tax reform. We accomplished much, but the job is only half done.

The heart of the conglomerate movement lies in the permissibility of questionable accounting practices. And, the present interest deduction rules subsidize these accounting manipulations. To remedy the present situation and effectively to close the loopholes still remaining after the 1969 Tax Reform Act, I propose the following changes with respect to the interest deduction rules in the case of corporate acquisitions: In a corporate acquisition where the combination is accounted, for book accounting purposes, as a "pooling of interest," the interest deduction would be denied for any debt issued or incurred with respect to the acquisition. In addition, even though the acquisition is treated as a "purchase," for book accounting purposes, the interest deduction for any debt issued or incurred with respect to the acquisition would be allowed only if any good will acquired is amortized, for book purposes, over a period not in excess of 10 years. Such a provision of law, would, I believe, put an effective end to the unwarranted tax subsidy of conglomerate acquisitions, which are especially noxious in the energy field.

I should note with some personal satisfaction that Congress did act in 1969 to put an end to a third tax loophole that contributed to the growing concentration of the energy resources of our Nation into the hands of a powerful few. This was the so-called ABC transaction which I had fought for years, and which was used in the natural resources industries to effect highly favorable, tax-subsidized corporate combinations. In such ways as this, I have represented the people of my State and my country. Politically, such actions are unrewarding because the general public pays but little attention to them while the special interests are infuriated.

In the most notable acquisition by an ABC transaction, XY company, an oil corporation, acquired the assets of YZ company, the largest single coal producer in the United States. I fought to repeal the ABC provisions at the time of that transaction, but, unfortunately, I was unable to overcome the opposition until the deal was sealed, the damage done. Congress did not act in time and we now have one of the largest oil companies and the largest coal producer under a single corporate umbrella—a marriage whose dowry was supplied by the American taxpayer. This merger was a bellwether in the development of the present monopolistic condition in the energy field.

Special tax provisions still contained in the Internal Revenue Code for natural resources are also contributing to the energy concentration problem. For example, in the case of coal, two special preferences are provided. One is the percentage depletion allowance for coal, and the second provides capital gains treatment to the recipient of payments on coal royalties. I have opposed both, but the combined influence of the administration and of the vested interests was impossible for me to overcome. In the field of tax reform, I have made many lonely fights—sometimes winning, sometimes losing, but always looking to the public interest. Now the special interests are having their turn to fight me.

These special provisions of percentage depletion and capital gains treatment of royalties were originally intended to act as incentives for coal exploration and development, and as aids to small producers. However, they are now used simply as subsidies to huge corporate enterprises, acting as a cushion on the profits of corporate atlases.

For example, the capital gains treatment is now being manipulated by major coal companies to their own advantage. Large coal companies establish corporate subsidiaries to which they transfer their coal holdings in exchange for royalties. The parent corporation then pays capital gains on the receipt of these royalties, instead of treating the income as ordinary income subject to depletion as would have been the case had the parent retained the full property in its own hands.

To end this tax abuse, I recommend that the capital gains treatment for coal and iron ore royalties be repealed.

In addition, the percentage depletion allowance for coal and other energy resources is surely not needed in the case of large corporate enterprises, if justified at all. This subsidy is being utilized to create an artificial profit margin which, in the case of the large coal companies, means that the open market mechanism is not operating freely to reflect the market's evaluation of prices that should be set by supply and demand forces. I, therefore, recommend that the depletion allowance for all natural resources be eliminated over a 5-year period for all taxpayers who derive more than $2 million annually in income from the sale of natural resources. Though the very

principle is questionable, to say the very least, this will permit the tax benefit to be retained by those small companies who are actively competing in our free market system. It will encourage exploration and development by these companies. On the other hand, it will remove the unjustified tax subsidy from the larger corporations whose anticompetitive conduct is being subsidized at the present time by the very consumer whose interests are being harmed most.

The Wall Street Journal of July 13 reports that coal exports are increasing at alarming levels to the detriment of U.S. coal users. Coal exports jumped 12 percent in 1969 alone. Estimates for 1970 indicate that these exports will rise by another 10 percent. This situation is seriously worsening our own domestic coal supply problem as foreign buyers are absorbing not only immediately available supplies, but are also signing long-term contracts for output that is badly needed by domestic electric utilities and steel mills. Indeed, the Wall Street Journal reports, one Japanese company has agreed to finance the construction of a 30-million ton coal mine in the United States.

In view of the dangerous situation being created by these exports, it was astonishing to find the Treasury proposing, and the House Ways and Means Committee adopting, a tax measure that is going to worsen this situation. I refer to the so-called DISC proposal advanced by the Nixon administration. Under this proposal a U.S. company can set up a domestic international sales corporation and defer—perhaps permanently—the profits on the export income derived by that subsidiary corporation.

Let me explain just how this tax bonanza would work to the detriment of the energy resources of the United States. A U.S. corporation can create a DISC subsidiary through which it can run one-half of the profits on its coal exports—normally conducted through its coal-producing subsidiary. These profits would then be distributed by the DISC to the parent corporation. One would think that a tax would then be due to the U.S. Government on these profits. But, if the parent corporation has excess foreign tax credits, as is often the case, and if it elects the overall limitation for foreign tax credit purposes, these profits would then be exempted from tax by virtue of utilization of the excess foreign tax credit. This result would follow because the DISC distribution is converted, under the Treasury proposal, into foreign source income as to which the foreign tax credit is available, even though the coal was mined within the United States and sold completely within the United States.

Thus, under this current administration proposal, it is the American consumer who both suffers and subsidizes. He will have to pay higher electrical rates because the electric utilities have to pay higher prices for ever scarcer coal and higher interest rates for artificially tight money. The Nixon administration, let the people understand, is proposing further to subsidize the scarcity through tax incentives to export coal to Japan and Germany. This is an outrageous situation and I will fight it.

Mr. President, I submit that this review of our tax laws amply illustrates the role that tax preferences have played and are playing in our energy crisis. I am pleased that Congress accepted some of my suggestions. I hope that Congress will take the further steps I have suggested to insure that these tax inducements to energy concentration and higher energy rates are eliminated.

We must have competitive energy sources if free enterprise is to survive in this permeating aspect of our economy.

EXHIBIT 1

OIL QUOTA DECISION WAS TAKEN WITHOUT ANY FORMAL DISCUSSION

(By Bernard D. Nossiter)

The Nixon administration decided to retain a multi-billion dollar program protecting oil prices without any formal discussions or working papers by the responsible officials involved.

This was acknowledged at a press conference yesterday by George A. Lincoln, who chairs President Nixon's Oil Policy Committee and directs the Office of Emergency Preparedness.

The program the administration is keeping has been estimated by the Senate Antitrust and Monopoly Subcommittee to raise domestic oil prices paid by consumers by $7 billion a year. A presidential task force put the figure at $5 billion annually.

Lincoln's name was signed to the letter released by the White House on Monday. It announced that no further consideration would be given to relaxing the quota system that curbs imports of low-priced foreign oil.

In response to reporters' questions, Lincoln said that his fellow Oil Policy Committee members only discussed the issue "now and then, casually" and "my staff didn't prepare written papers on this."

Lincoln also disclosed that Peter Flanigan, a White House aide, sits in regularly on the committee's meetings and was present at the crucial "principals only" session last Thursday when the Lincoln letter was adopted. Lincoln, however, denied reports that Flanigan had dictated the letter's essence. Lincoln acknowledged that he had discussed it in advance with White House figures whom he declined to name.

The decision, which was welcomed by oil companies, was denounced yesterday by two leading Democrats, Sens. Edmund S. Muskie (Maine) and Edward M. Kennedy (Mass.).

Muskie charged that the ruling "suggests blatant and cynical favoritism for a special interest group—the domestic oil industry."

He contended that the very reasons cited in the Lincoln letter, increased demand and decreased supply of oil, argue for scrapping and not retaining the restrictive system.

Kennedy said he was "deeply shocked and disappointed" by Mr. Nixon's decision. He recalled that the President's own Cabinet Task Force last February urged ending the quotas and lowering oil prices by imposing tariffs.

"The Task Force report," he said, "based on almost a year of detailed study, is simply cast aside without explanation or analysis."

Kennedy announced that his Subcommittee on Administrative Practice and Procedure would hold hearings on the decision "at the earliest opportunity."

At issue is a system adopted in the second Eisenhower administration to prop oil prices by fixing limits on imports of cheaper foreign oil in the name of national security. The Nixon Task Force urged a system of tariff with no fixed ceiling on the amount brought in from abroad.

Mr. Nixon took no action on his Task Force report and said a decision should await congressional hearings and consultations with other nations. He created the Oil Policy Committee with a mandate only to examine the management of the quota arrangements, not the tariff-versus-quota issue.

According to government officials, the new committee's first 14 meetings were limited to this task. Last Thursday, however, Lincoln called a meeting that excluded staff members.

There, he presented the three-page letter that urged ending any consideration of the tariff device. It was this letter that won the White House endorsement.

Attending the Thursday meeting, according to Lincoln, were himself and Flanigan; Attorney General John N. Mitchell; Commerce Secretary Maurice Stans; Treasury Secretary David M. Kennedy; Paul McCracken, chairman of the Council of Economic Advisers; Philip Tresize, assistant secretary of state for economic affairs; Barry Shillito, assistant secretary of defense for procurement; Hollis M. Dole, assistant secretary of interior and an Army major, James Ruth, who ran a slide projection machine.

Lincoln said that the Committee embraced his letter "unanimously" although four of its eight members, including Lincoln, had urged the move to tariffs six months ago.

Lincoln told reporters "I don't want to be too specific" about why he changed his mind.

Trade figures explained that from a public relations standpoint now is the ideal time to renounce tariffs because the prices of some imported oils are temporarily at a peak since the Middle East crisis has driven up rates. Thus the administration could argue, and Lincoln did, that a tariff system today would not mean lower prices to consumers for some Middle East oil.

COMMEMORATION OF DR. ARTHUR E. HERTZLER

Mr. PEARSON. Mr. President, a few days ago I had the privilege of attending ceremonies in Halstead, Kans., commemorating the 100th anniversary of the birth of Arthur E. Hertzler, the horse and buggy doctor. The record of this outstanding Kansan is well worth bringing to the attention of the U.S. Senate. Dr. Arthur Hertzler's service stands as a shining example of uncompromising dedication for the benefit of all mankind. The warmth of this man is well illustrated by a statement of his near his retirement:

> I regard as the chief reward for a long hard experience in the practice of medicine the opportunity it has given me to see so many children developing in an endless variety of environments.

Slightly more than a year after his graduation from the Northwestern University Medical School, Dr. Hertzler made his first trip to Halstead, Kans. On May 1, 1895, Halstead was devastated by a great tornado. The town had no physician, so the young Hertzler journeyed from Moundridge, Kans., a few miles away, to Halstead to these people's aid. He liked the community and decided to establish his country practice there following additional work at Southwestern College in Winfield, Kans., and Illinois Wesleyan University at Bloomington, Ill. Hertzler quickly established himself as a willing and able practitioner with all the warmth, concern, and physical stamina required in those days of long-distance travel by horse and buggy to see patients.

His ability was such, however, that although he preferred private practice to teaching, he soon was persuaded to ac-

cept a teaching position at the University of Kansas Medical School where he taught histology and pathology from 1902–07 and then surgery from 1907–44. Dr. Hertzler's warmth and concern was transferred to countless students of medicine during these years. As one former student has put it:

Dr. Hertzler was known to medical students as Pa; to his student nurses as Grandpa; and to his medical-surgical staff he was "The Chief." Dr. Hertzler was a teacher who believed in showing instead of telling how it was done. To do this he lectured only at times but to make up for not talking, he invited students between their third and fourth year of medical school to come to his hospital in Halstead to observe him at his work for two-week periods during the summer. All looked forward to attending these summer sessions.

Although teaching in medical school in Kansas City—about a 4-hour drive from Halstead by today's high-speed cars—Dr. Hertzler continued to oversee the hospital he had built in Halstead as well as return to see his patients. A reader of the Halstead Independent in 1911 would have seen the following advertisement:

Drs. Hertzler & Wutke, General Practice and Surgery, Dr. Hertzler will be in Halstead every Sunday and Monday and oftener if needed. Kansas City address: 402 Argyle Bldg.

Through most of his years in Kansas City, Dr. Hertzler would spend 5 days a week there, going to Halstead 2 days a week, "and oftener if needed." Such was the dedication to his fellow man's problems of this Kansas "horse and buggy doctor."

The memory of this remarkable man has remained, not only for his establishing of the Halstead Hospital, but also for the nationally renowned Hertzler Clinic for medical research. In 1948, following Hertzler's death on September 12, 1946, his colleagues honored him by chartering the Hertzler Research Foundation to carry on his work in medical research and to maintain the medical library he had established.

Mr. President, I can think of no more fitting conclusion to my remarks than the words about Hertzler in the Journal of the Kansas Medical Society in October 1962:

Hertzler's life was his greatest tribute. Emerging from a hard and troubled youth, he brought to rural Kansas medical care which rivaled that to be found anywhere. Widely known for his medical genius, he achieved world renown for his simple philosophy and warm humor. Restless and impatient, blunt and often tactless, outspoken and competitive, he symbolized a vanishing race of self-sufficient country physicians. His spirit still lingers in those who knew him, and the work which he started is carried on in his clinic today.

Mr. President, I commend the self-sacrificing record of Dr. Arthur E. Hertzler to the Senate. It is one of which we can all be proud and in which we can find inspiration.

NONPRAISE FOR AN UNDEFEATED SOFTBALL TEAM

Mr. HART. Mr. President, as the President of the United States did on announcing his veto of the education appropriations bill last January 26, I wish to share with Senators one of the most difficult decisions I have made since I became a U.S. Senator.

I have on my desk a speech praising my office softball team.

Now let us clearly understand the issues. The issue is not whether some of us like softball and others are against it.

There is no game which I consider more important to the health and welfare of my office staff than softball.

So, why, in an election year, particularly, would a Senator hesitate for one moment to give a speech praising such a politically popular activity as this?

For this reason, a Senator has an obligation to consider all the ramifications of a speech with this principle in mind: What is best for all the members of the team?

The team has one game remaining after which those members who are interns will be leaving Washington to return home.

At election time, it is tempting to place in the RECORD a speech praising them for their efforts, and then to send reprints to the parents of each.

However, I think this is wrong, for placing such a speech in the RECORD the day before the final game could jinx the team and cost it an undefeated season.

Therefore, my decision not to give the speech praising them for the six straight victories over the staffs of Senators LONG, MONDALE, DOMINICK, MCCARTHY, BROOKE, and TOWER is painful but necessary if we are to give them every chance of winning tomorrow night.

However, I would like to thank the interns for the envelopes stuffed, letters folded, errands run, newspapers clipped, records kept, research accomplished, sound suggestions made, and difficult questions asked between ball games.

MONOPOLIES SUPPORT MONOPOLIES IN SAN FRANCISCO

Mr. METCALF. Mr. President, last month a bill to exempt newspapers from the antitrust laws was signed into law by the President, whose administration has certainly on more than one occasion criticized media concentration. This new law further strengthening the news conglomerates makes the survival of the small, independent newspapers even more tenuous.

One such independent, the San Francisco Bay Guardian, a monthly, continues to struggle against the price-fixing unity of that city's two major dailies. The Guardian has pioneered many controversial areas untouched by the larger papers. And its courageous and excellent reporting has not gone unnoticed. During the past decade, the San Francisco Press Club has on two occasions awarded the Guardian its "Pulitzer of the West" Award—in 1964 and 1967. The Guardian has also won four out of the San Francisco Press Club's nine awards in the "nondaily" category during the past 3 years, including first place in the 1969 competition.

In view of this fine record, I was greatly surprised to learn from Bruce B. Brugmann, publisher of the Guardian, that his paper has been excluded from the Press Club's competition this year.

I believe this exclusion is explained, however, by the sad fact that the chairman of the Press Club's Awards Committee is none other than a public relations man from the Pacific Gas & Electric Co.

One of the courageous campaigns waged during the past 2 years by the Guardian has been against that company's monopolistic and political strength in San Francisco and northern California. The Guardian has documented P.G. & E.'s direct violations of the law—see articles in the CONGRESSIONAL RECORD, volume 115, part 7, pages 8692–8696. The Guardian has critized the company's love-in with the major San Francisco dailies, and finally, it has recently advocated municipal ownership of P.G. & E.'s local electric distribution system. One of the Guardian's editors, Peter Petrakis, recently suggested to the Public Utilities Commission a feasibility study on the acquisition of the system. This study is now underway.

Perhaps this was the last straw for P.G. & E. Its tolerance for "freedom of the press" has reached the breaking point. So through the Press Club the company is "punishing" this small, independent newspaper which it believes poses such a threat to its monopoly.

Mr. President, I am dismayed that P.G. & E. would choose this arena for its punitive and petty actions against the Guardian. I am appalled, however, that the San Francisco Press Club would allow its fine and respected halls to be used for such obvious derogation of the "freedom of the press" on which rests its tradition if not its very existence.

I ask unanimous consent that Mr. Brugmann's July 27 letter to the directors of the San Francisco Press Club, be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD the Bay Guardian's June 8 release of Peter Petrakis' testimony before the San Francisco's Board of Supervisors, with its analysis of city acquisition of the electric system; and finally the recent comments of our Washington friend, Nicholas von Hoffman, who refers to the Bay Guardian as "the best and most reliable periodical in the city—San Francisco."

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

THE SAN FRANCISCO BAY GUARDIAN,
San Francisco, Calif., July 27, 1970.

DIRECTORS,
San Francisco Press Club,
San Francisco, Calif.

GENTLEMEN: I am writing you as a two-time winner in your "Pulitzer of the West" newspaper awards competition (1964, 1967) and as editor and publisher of a newspaper, The San Francisco Bay Guardian, that has won four of the nine awards in your "nondaily" category in the past three years. This includes first place in last year's competition.

I now find, to my surprise, that I am the recipient of the club's latest award: "Banned by the San Francisco Press Club." Let me explain.

The Guardian had been tipped off that, despite the fact we won the contest last year, an attempt would made to exclude our newspaper from this year's competition. We called the club several times through June and early July to ask when the entry blanks would be sent to us. (The past three years, we got them in normal course in the mail.)

In early July, the club secretary told us Larry McDonnell (PG&E pr man, chairman of the awards committee) and his committee were sending them out that Thursday.

We never got them. The secretary told me the committee had decided the category this year would be open to "weeklies only." The Guardian (a monthly) was out. I pressed her for details and an explanation, but she said the entry forms were being mailed out this year by PG&E and she didn't have much information. She referred me to McDonnell at PG&E.

I called McDonnell at PG&E. Yes, he said, the Guardian was out this year, but it was not the intent of his committee to exclude the Guardian. Instead, it was to initiate a category for weeklies only, to encourage them to enter and to get back to the original spirit of the press club contest.

How do you encourage weeklies (which have been in all recent contests, but still didn't contribute many entries) by excluding the Guardian (which had contributed more entries than any other non-daily in the past three years?) How do you justify banning last year's winner? Why is the only non-weekly to submit entries the past three years suddenly picked out, without explanation, without the courtesy of notification, and made the only newspaper ever blackballed in the history of the competition? Isn't this censorship to exclude The Guardian, one of the few Bay Area newspapers devoted to investigative reporting and solid journalistic crusades in the Pulitzer tradition? (Note Guardian enclosures.)

I pressed these obvious questions, but McDonnell refused to give any details beyond his "we want to encourage the weeklies" stand. He became incensed when I asked if the Guardian blackball had anything to do with the Guardian's two year campaign against PG&E and its illegal power monopoly in San Francisco that keeps cheap public power out of San Francisco in defiance of federal law, the U.S. Supreme Court and the city charter. (Note PG&E enclosures.)

McDonnell said his committee's decision had not been aimed at the Guardian and that the Guardian had not come up in the discussion. He denied vehemently that he or PG&E had anything to do with "the Guardian blackball," as I put it, and he threatened to hang up when I asked if it had anything to do with our PG&E campaign.

He refused to say how the ban originated, who originated it, or even who brought it before the committee in its first and only meeting on June 10. He even refused, until I pressed hard, to identify the other members of his committee.

The group that banned The Guardian, I found, was made up almost exclusively of advertising and public relations men—most of them representing companies the Guardian had criticized in its reportage. The committee: Chairman: McDonnell (PG&E), Robert Rezak (PT&T), Carl Albracht (Westinghouse), Paul Cane (Bechtel), Gordon Grannis (Crown Zellerbach), J. Campbell Watson (Editor & Publisher), Carl Spencer (General Electric), Charles St. Peter (Frank Albert-Guenther Law Adv. Agency), Robert Richelson (Carl Byoir Adv. Agency.)

I polled the committee by phone and found, contrary to McDonnell's explanation, that several committee members recall that: (1) PG&E's McDonnell brought up the rules change that axed the Guardian; (2) No other newspaper was mentioned by anyone; (3) The Guardian was mentioned several times during the session by name (4) The Guardian was mentioned, as CZ's Grannis put it, "as not being a weekly newspaper" and therefore not qualifying for this year's contest.

I brought up these points to each committee member and nobody rebutted them. If the member didn't agree with these recollections of his committee colleagues, he said he couldn't remember or he simply refused to answer questions (Watson, Richelson.) Rezak was quite specific. "He (McDonnell) threw it (the rules change) out on the table. There was some feeling that the Guardian wasn't an established newspaper . . . the Guardian couldn't qualify as a weekly newspaper."

Did you realize, I asked, that the Guardian was being purposedly excluded by McDonnell's proposal? Rezak: "You didn't have to hit me with a bat." He added: "If they wanted to change the rules, they could have heard from your paper."

Rezak said that, as a PT&T pr man, he read The Guardian regularly and that he, too, didn't like some of the stories and editorials, particularly those critical of PT&T. But "this wasn't the time or the place" to do something about them, he said.

Gentlemen: this is the point: the 1970 Pulitzer of the West newspaper awards contest is not the time or the place to begin censoring copy, banning newspapers or bringing the contest quietly into line with the PG&E Progress or, for that matter, a committee representing Westinghouse, GE, PG&E, PT&T, Crown Zellerbach, Bechtel or clients of local ad agencies. As GE's Spencer told me, "Nobody should be excluded from the contest."

Please do not misunderstand me. I do not ask you to reinstate the Guardian in this year's contest. Neither I nor the Guardian will enter the Contest again until we can be shown that our professional work will not be at the mercy of PG&E or any other committee dominated almost exclusively by public relations and advertising men.

Sincerely yours,

BRUCE B. BRUGMANN,
Editor and Publisher.

[From the San Francisco (Calif.) Guardian, June 8, 1970]

TESTIMONY OF PETER L. PETRAKIS, UTILITIES EDITOR OF THE SAN FRANCISCO BAY GUARDIAN, BEFORE THE BOARD OF SUPERVISORS OF SAN FRANCISCO, ON THE PROPOSED INCREASE IN MUNICIPAL RAILWAY FARES

I urge this Board to delay the increase in Municipal Railway fares until the Public Utilities Commission completes its feasibility study on the acquisition of the San Francisco electric distribution system of the Pacific Gas and Electric Company.

On April 14, the day the PUC passed the fare increase resolution now before you, it also passed, unanimously, a resolution proposed by the San Francisco Bay Guardian, authorizing a study on the feasibility of the city buying out PG&E, so that the city's Hetch Hetchy power can be delivered to its residents over a publicly-owned distribution system, with $30 million or more in annual profits going to the people rather than to the Company.

If the feasibility study shows that the city could profit by going into the retail electric power business, it might then become possible for the profits now going to PG&E to be used by the city to subsidize the Muni—and lower, not raise the fares.

This Board should not raise the transportation cost of working people, many of them hard-pressed minorities, without first exploring alternative ways of subsidizing public transportation.

The old gimmick of subsidizing the Muni with property taxes is no longer tenable. The taxpayers are already backed up against the wall. At the same time, raising the fares to finance improvements is self-defeating. It will discourage use of the Muni at a time when we are trying to persuade people to leave their cars at home and cut down congestion and eliminate air pollution. And it will work a hardship on those who depend on the Muni most.

Public transportation systems are inherently unprofitable. The number of such systems that have gone out of business in modern times proves that. Nevertheless, they are absolutely essential. Therefore, they must be subsidized. The question is how to subsidize them.

Our Public Utilities Commission manages two businesses: The Muni and the Hetch Hetchy Water and Power Project. The Hetch Hetchy Project is inherently profitable because it generates electricity, one of the most lucrative products that exist. Just ask PG&E. Seventeen cents out of every dollar the Company makes is pure profit, according to the Federal Power Commission.

If the feasibility study recommends buying out PG&E, we should do it with revenue bonds so as to not raise taxes, and get the maximum profits from Hetch Hetchy power by selling it to ourselves, and use part of those profits to subsidize the Muni.

We have been in the electricity business for nearly 50 years, but we have never done what both our City Charter and the Raker Act require—bring our power to San Francisco and distribute it to our own citizens over a publicly-owned distribution system.

Since 1913, when the Raker Act granted us Hetch Hetchy valley in Yosemite National Park, we have invested nearly $300 million in hydroelectric facilities, but all, as it turns out, for the benefit of everyone but our own citizens.

For 15 years, between 1925 and 1940, we openly sold the power to PG&E, which then turned around and sold it back to us at an exorbitant profit. When the U.S. Supreme Court declared that was in violation of the Raker Act, we still refused to buy out PG&E, even though our own City Charter Utility Policy reads: "It is the declared purpose and intention of the people of the city and county, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the city and county . . ."

Instead of fulfilling the mandates of the Raker Act and the City Charter, we proceeded to dissipate the electricity in unprofitable markets on the fringes of the PG&E empire, meanwhile letting PG&E take the high profits that rightfully belong to the people of San Francisco.

We are currently settling for a measly $3.8 million a year in Hetch Hetchy profits, on a capital investment of nearly $300 million—when all around us spreads an electrical distribution system, which, if we owned it, would net us at least $30 million a year.

Where does our power go? Forty percent of the 2 billion kilowatt-hour annual production we wholesale to the Turlock and Modesto Irrigation Districts, both of which had the good sense to go into the electric retailing business years ago. *These districts take that 40% and make more money retailing it to their residents than San Francisco makes out of the entire Hetch Hetchy output.* That clearly shows the superior profitability of retailing, as compared to wholesaling electricity.

The Districts use the profits from selling our electricity to subsidize the free distribution of irrigation water to their farmers and to finance improvements and additions. Still, their rates are 24% lower than San Francisco PG&E rates.

Another 40% of our electricity goes to a group of relatively unprofitable out-of-town industrial plants, which were "assigned" to the city by PG&E in order to keep us from pressuring for a publicly-owned distribution system in San Francisco, through which we could sell our own power to our own residents. These companies employ no San Franciscans and they pay no San Francisco taxes. They merely provide another "dumping ground" for San Francisco's electricity, and an accommodation to the PG&E monopoly.

The rest of our power goes to municipal facilities in San Francisco, and we pay PG&E nearly $2 million a year to bring that power 35 miles from the end of our transmission line at Newark.

This city can no longer afford the luxury of having a privately-owned monopoly, controlled mainly by large eastern brokerage firms and insurance companies, raking off high profits that rightfully belong to us. We have a huge electrical generating facility that many cities would love to have, but whose earning potential is being frittered away in unprofitable markets, out of deference to PG&E. And meanwhile, the Board of Supervisors contemplates payroll taxes, higher property taxes, increased water rates—and now, increased Muni fares.

It is a general practice in business for the management to use the earnings from the more profitable commodities to cover the losses from other commodities that are less profitable. That is the situation San Francisco is in. The management of our public businesses, the PUC, "sells" two products—public transportation, and electricity. The first product is unprofitable, but it must be "stocked." The second product, electricity, is the potential money-maker that could support the first—if we would but use it properly. That means we should buy out PG&E.

The performance of public power cities in this area strongly suggests that the feasibility study now underway will result in that recommendation. Palo Alto is one example of a highly successful public power city. Its municipal power rates are 15% lower than the PG&E rates in surrounding cities. It has one of the lowest tax rates in California—one-fourth that of the comparable city of Berkeley—because it uses the earnings from its retail power sales to provide a tax subsidy to the general fund. It also pays an "in lieu of tax" payment to the general fund. This is the amount of tax a private company would pay if it owned the Palo Alto system. And still there is enough money to systematically put existing power lines underground.

The stakes are so high on the PUC's acquisition feasibility study that the city should resolve to get along a while longer without a muni fare increase, pending the recommendations that emerge from the study. If we had bought out PG&E in the beginning, our public transportation system would not be the mess it is today, and our streets would not be so fouled and congested by the automobile. We can afford to wait a while until we can find out if sound, business-like arrangements are possible that could make a Muni fare increase unnecessary, and perhaps even cause the fares to be lowered, through partial or total subsidy from electrical revenues earned in a publicly-owned distribution system.

WHERE HAS SAN FRANCISCO'S POWER GONE? (EVERYWHERE BUT TO SAN FRANCISCANS)

6 YEARS OF HETCH HETCHY PRODUCTION: 1963–68 [1]

	Kilowatt-hours	Percent of total Hetch Hetchy output
1. San Francisco houses, business, and industries	(2)	0
2. San Francisco municipal accounts (wheeled from Newark to San Francisco on P.G. & E. lines, at an annual charge to San Francisco of $2,000,000):		
International Airport	636,000,000	
Municipal railway	378,000,000	
Municipal street lighting	264,000,000	
Water Department pumps	156,000,000	
All other municipal	605,000,000	
Subtotal	2,039,000,000	22
3. Irrigation District accounts:		
Turlock irrigation district	1,040,000,000	
Modesto irrigation district	2,670,000,000	
Subtotal	3,710,000,000	40
4. Industrial accounts:		
Dow Chemical Co. (Pittsburg)	1,399,000,000	
Kaiser Gypsum & Cement Co. (Santa Cruz)	939,000,000	
Hercules, Inc. (Pinole)	656,000,000	
Shell Chemical Co. (Pittsburg)	168,000,000	
California Ammonia Co. (Lathrop)	120,000,000	
Kaiser Aluminum & Chemical Co. (Santa Cruz)	111,000,000	
Norris Industries (Riverbank)	88,000,000	
Air Products & Chemicals Co. (Lathrop)	21,000,000	
Miscellaneous customers (Fresno, etc.)	28,000,000	
Subtotal	3,526,000,000	38
Total Hetch Hetchy power delivered	9,275,000,000	100

[1] Sources: Hetch Hetchy preliminary annual report 1969 P.G. & E. annual reports, 1963 through 1968.
[2] None.

COMPARING HETCH HETCHY PROFITS

San Francisco generates 2 billion kilowatt-hours of power a year at Hetch Hetchy, sells it to SF municipal services, out-of-town chemical plants and the Turlock and Modesto Irrigation Districts. But not to San Franciscans.

[In millions]

San Francisco's 1967–68 power earnings:
Gross ---------- $12.8
Net ---------- 4.0

The Irrigation Districts retail 1 billion kilowatt-hours of electricity (most of it from San Francisco) to their residents.

[In millions]

Irrigation Districts' 1967–68 power earnings:
Gross ---------- $13.6
Net ---------- 5.4

Conclusion: The Turlock and Modesto Irrigation Districts make $1.4 million more a year than San Francisco on half the amount of power. The point: The Districts do it by retailing the cheap public power which San Francisco sells wholesale to them. This is the same public power which San Francisco refuses to sell to its own citizens.

[From the Washington (D.C.) Post, July 13, 1970]

NEWSPAPER MONOPOLIES

(By Nicholas von Hoffman)

Last Wednesday, the day the House of Representatives voted to exempt the newspaper industry from the antitrust laws, you could see Secretary of Defense Melvin Laird out on the floor throwing handshakes and athlete's hugs at his old congressional buddies. It may have been a social call he was paying, or he may have been lobbying for a spare aircraft carrier, but whatever the reason for his presence this busy man had found time to talk to congressmen.

Spiro T. ("Ted") Agnew was not present, was not shaking legislative hands, was not lobbying against this bill which furthers the media concentration that our esteemed Vice President would have people think he objects to. The bill will make it legal for 44 newspapers in 22 cities to rig prices, divide markets and pool profits in the grand tradition of John D. Rockefeller the first. It will also permit any and all other newspapers to apply to the Justice Department for permission to do the same in the future.

The 44 newspapers which receive immediate permission to ignore the law that others must obey have been granted this privilege on the grounds that without it they will fail. The precedent is set; if business is bad, ask Congress to exempt you from free enterprise competition so you can enter into an agreement with your erstwhile commercial rivals to screw the consumer.

If the precedent holds you won't have to be going into bankruptcy, you'll only have to poor mouth and make it seem that you are. That's what these newspaper scalawags have done: made a loud noise about how poor they and their industry are.

Newspapers are not going out of business. There were, according to the testimony on this bill, 1,749 newspapers in America at the close of World War II. Twenty years later there were 1,754. During that time daily newspaper sales have grown by more than 10 million. And the advertising revenues? Up more than 400 per cent in the last generation so that last year they went over the $5 billion mark. New dailies are being started quite regularly, 33 in the past three years. This is not a moribund industry deserving special favors.

The case for the 44 newspapers which wanted this law because they've been operating with price fixing agreements is even shakier. Three of the beneficiaries of this legislative gratuity are The Birmingham Post-Herald, the Pittsburgh Press and the Evansville Press, owned by the Scripps-Howard organization which also owns 15 other newspapers, United Press International, United Features Syndicate, the Newspaper Enterprise Association (NEA), the World Almanac, five television stations and heavy investments in cable TV.

Another outfit that will directly profit from this law is the Newhouse newspaper chain which, according to testimony before the Senate's Antitrust Subcommittee, owns or has a heavy interest in at least eight newspapers and seven television stations. It's sometimes hard to be sure; the skein of corporate control can be so complex. In any event, Newhouse also has seven cable television companies, as well as Vogue, Mademoiselle, House & Garden, Glamour and Bride's magazines.

Other winners under this law are Hearst's many enterprises and John Knight's communication chain which reported first quarter revenues of over $60 million. If these are deserving candidates for exemption from the antimonopoly laws then what about dear, little DuPont and frail, fading General Electric?

Witnesses before the House committee which reported this monstrosity out onto the floor demonstrated that these collusive agreements cost us consumers not only in dollars but in lower quality product. After the San Francisco Examiner and Chronicle got together to fix prices, advertising costs in the Chronicle nearly doubled. Beyond that, the newspapers were able to offer two-for-the-price-of-one advertising deals that drove a new, competitive daily out of town.

Although the bill's purpose is to save financially dying newspapers and promote news and editorial diversity, the truth is the Chronicle had $7 million in the bank when it signed its agreement with its competitor. Moreover, the quality of local news coverage in both papers has become so bad that the best and most reliable periodical in the city is The Bay Guardian, a monthly put out by one man and a bunch of volunteer helpers.

The greatest shame here isn't Agnew's or Congress's but the newspapers'. In their rectitude, they denounce everybody else's circumvention of the give and take of the free market. By forcing this piece of tacky legislation through, they've shown they're just as scurvy as the special interests they love to denounce.

There are some noble, ironic exceptions to this, the most conspicuous being The New York Times which, unlike the Vice President, has spoken out against this new development in media concentration. (The Washington Post also editorialized against the Act.) Even the Justice Department, which doesn't do much right, fought it. But many newspapers have backed it or been silent. That will put them in a strange position when the printers' unions demand they be paid for the work machines do better and faster. If the publishers can violate the principles of free enterprise and live by legalized monopoly, why shouldn't the unions be just as economically irrational?

The papers will not only regret what they've done at the labor bargaining table but also in their dealings with the government. How free are they going to be when they are beholden to these same politicians for their abnormal profits? What they have done to themselves is far worse and far more worrisome than anything Agnew can do to them. Now they must live under the threat that this privilege may be taken away from them.

Perhaps the people in the newspaper industry can take some comfort in the fact that this vote showed that for a dying business they have awesome power. Members of the House of Representatives fought each other for a chance to vote for this bill, which was against both liberal and conservative principles.

WOMEN'S GROUPS SHOULD LEND SUPPORT TO HUMAN RIGHTS CONVENTION ON EQUAL RIGHTS FOR WOMEN

Mr. PROXMIRE. Mr. President, 1970 marks the 17th year since the United Nations Convention on Women's Rights was opened for signature. It is unbelievable—but it is a fact—that the United States is not one of the nations which has ratified the U.N. Convention on the Political Rights of Women. It is unbelievable because the convention deals with fundamental rights already guaranteed by the Federal Constitution, because it is not in conflict with State laws, and because it is a part of the accepted standards to which the United States is supposedly already committed. Senate inaction on this treaty creates a highly embarrassing and incongruous situation for this country.

Senate ratification would demonstrate to the world that we are concerned with this vital issue. It would reinforce our present national policies and laws, and extend our influence in this area both in the national area and in the international sphere.

But the convention remains tabled, although the chairman of the Committee on Foreign Relations has stated that it could be taken off the table whenever the committee so decided.

Thus it is up to organizations like the National Federation of Business and Professional Women's Clubs, Inc., and others to demand that the matter of the convention be reopened.

The overwhelming vote in favor of the equal rights amendment in the House of Representatives was largely a result of the active participation by such groups as the Federation of Business and Professional Women, the American Federation of Teachers, AFL–CIO, Federally Employed Women, B'nai B'rith Women, the YWCA, the United Automobile Workers, the NAACP, and many, many other groups. While the atmosphere is ripe, I would hope that these women's groups would lend their support and work toward the ratification of this all-important human rights convention that would be another step in the important work of guaranteeing the equal status that women deserve in our society.

CUT IN FUNDS FOR FLAMING GORGE NATIONAL RECREATION AREA, UTAH AND WYOMING

Mr. MOSS. Mr. President, we all recognize that these are trying fiscal times for the Federal Government. Our economy is badly dislocated, and our budget is strained by the demands of the war in Southeast Asia. We agree that we must make every effort to curb domestic spending.

But in some instances the slashes which have been made in funds are so deep that they are false economy and it will take years and eventually much greater expenditures to overcome the harm that we are doing.

An example is the deep cuts which have been made in the funds for fiscal 1971 for the Flaming Gorge National Recreation Area in Utah and Wyoming.

The Ogden Standard Examiner recently published an editorial which tells the painful story of what was done, and foretells the story of what will probably happen in the future because of our shortsightedness. I ask unanimous consent that it be printed in the RECORD.

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

FEDERAL ECONOMY AX CUTS FUNDS FOR FLAMING GORGE DEVELOPMENT

The ax of federal economy has fallen sharply on the collective necks of Utah and Wyoming at a place where it hurts, painfully—the development of the Flaming Gorge National Recreation Area.

During fiscal 1970, that ended June 30, Congress appropriated sufficient money to the U.S. Forest Service that $1,005,000 could be allocated to Flaming Gorge for new construction, sanitation, upkeep and maintenance.

Because of the increasing use of the National Recreation Area by the recreational-minded public of Utah, Wyoming and virtually every other state in the union, Flaming Gorge supporters asked for more money for fiscal 1971.

Sen. Frank E. Moss, D-Utah, in a statement to a Senate Finance Subcommittee as it considered appropriations for the Department of Interior and related agencies, put the request in specific terms. The Forest Service is a branch of the Department of Agriculture, but many of its appropriations do come through Interior, incidentally.

The Republican administration's proposed budget for fiscal 1971 called for $1,084,000 for the Flaming Gorge National Recreation Area.

"An additional $2,622,000 could be used to good advantage," the Utah Democrat told the committee, breaking the request down to show that about half of this additional amount would be used to finance already-overdue upgrading of water and sanitation systems.

Sen. Moss told his colleagues that they should recall when the recreation area, which initially was a joint enterprise of the Parks and Forest Services, was placed entirely under Forest Service jurisdiction just a few years ago.

"He knows what an attractive area has been created by this man-made lake," the senator said, referring to the subcommittee chairman, Sen. Alan Bible, D-Nev. "It has become a great recreation mecca for the people from Northern Utah, southern Idaho and western Wyoming, as well as for tourists from all over the country. The limited facilities which have been built are already overcrowded on any good summer day."

He read into the hearing's record evidence of support of the expanded appropriation, including a Feb. 22 Standard-Examiner editorial that pointed out the pressing need for better water and sanitation facilities, as well as campsites, to avoid a potential pollution hazard.

But the appeal was in vain.

The proposed budget was chopped drastically by the economy-minded Congress.

When the appropriation measure cleared both houses a few weeks ago it was so limited that the Forest Service was able to allocate only $600,000 for sanitation, upkeep and maintenance at Flaming Gorge National Recreation area in the new fiscal year. This also includes day-to-day operational costs.

This compares with $730,000 in the previous year.

For construction work, the 1971 appropriation is virtually a bust, as far as Flaming Gorge is concerned. Only $42,000 is available in the fiscal period now under way for what are technically termed water resource development related activities. Of this $10,000 will go for planning, $32,000 for highest priority new work.

In fiscal 1970 Flaming Gorge received $275,000 for water resource development related activities.

So instead of a Republican budget of $1,084,000 or Sen. Moss' requested total of $3,706,000, Flaming Gorge must get by from now until next June 30 on a total of $642,000. That's $363,000 less than the previous year.

Ouch!

We recognize that the federal government must practice economy.

But, we insist, such drastic reductions are false economy—even in these trying fiscal times.

When the federal government contracted, in effect, with the people of Utah, Wyoming and the rest of the country to develop Flaming Gorge as a National Recreation Area there was an implicit promise of progress.

With these cuts progress is impossible.

The Forest Service will be hard pressed to stay even—on maintenance and basic operation—on this bare-bones funding program. Only the dedicated service of the foresters will keep Flaming Gorge from slipping backwards under the pressure of mounting usage.

More than a million visitor days were recorded in the Ashley National Forest in 1969, mostly at Flaming Gorge. The 1970 records are, of course, still being made. We're confident, from reports we receive from this popular area, that the 1970 figure will far surpass that of 1969.

We also know there's going to be a sewage problem, both in campsites ashore and on the lake, where there are no facilities for the sanitary dumping of boat toilets, unless visitors cooperate better than they usually do. Since Flaming Gorge is on the headwaters of the Green-Colorado rivers system, this pollution could cause trouble all the way south to Lakes Powell and Mead and on to Arizona, California and Mexico.

In this economy move the Congress has not saved money. It has merely postponed an inevitable, necessary expenditure that will cost more to do in the future than it could be done for now. And Flaming Gorge visitors suffer in the meantime. Fishing's already below par.

ADVERTISING AND ECOLOGY

Mr. METCALF. Mr. President, the Friends of the Earth (FOE) and other conservation organizations have begun proceedings to apply the results of the fairness doctrine case against cigarette advertisers to misleading advertising by polluting industries.

This is commendable and long overdue. The need for applying this doctrine to other industries is well told by Jerry Mander, president of Freeman, Mander & Goss Advertising in San Francisco, in the enclosed June 1970 issue of Scanlan's magazine.

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

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

SIX MONTHS AND NEARLY A BILLION DOLLARS LATER, ADVERTISING OWNS ECOLOGY

(By Jerry Mander)

A few months ago, my partner and I were treated to a meeting with an experienced advertising man, about to open a new agency. His idea was to run a full-page newspaper ad (which he has since done) announcing that right from the first day, his office was going to devote 20 per cent of its total time to "good" causes. He was going to raise money to fund this agency on that basis, and would I like to invest in this wonderful thing?

I asked him how he decided that 20 per cent was exactly the right amount of time to give to saving the world, instead of, say, 16 percent or 28 per cent. I don't think he got what I was driving at because he didn't leave, so I let it drop, but the point was that he was using "do-gooderism" as a gimmick to raise money for an otherwise normal advertising agency and that whatever he did, do-goodwise, was bound to be phony.

It shouldn't have surprised me, really, because advertising people in general have an inordinate fascination with "image." They assume that by *seeming* a certain way, the world will come flocking around, tearing at their clothes. My late partner, Howard Gossage, used to say he preferred the word 'identity" to "image"—the former having to do with the way one *really* is—which made him a lonely man in the advertising business.

Well, at one time, the difference may not have been all that important except for the psychic good health of advertising people and those few whose idea of fun is to spend their day reading collections of ads. But the way I perceive it right now, at this point in history, the difference may be more like life and death.

INDUSTRY SAVES ENVIRONMENT

With the sudden, immense outpouring of words from business and industry during the last six months concerning all the wonderful things they are doing to solve the pollution problem—most of these words being expressed in ads—it's worth having a look at what's being said; of course, when seen close up, it's all image and no identity.

Most of industry still sees pollution and environment questions as more of a public relations and advertising problem—in other words, an image problem—than as anything fundamentally related to the way they are doing business. Shell Oil Company, for example, recently ran a four-ad series showing: 1) how they saved the lives of a lot of fish by *not* polluting things as much as they had been; 2) how they are feeding starving millions by producing more and better pesticides (which on the other hand are killing the fish they just saved); 3) how they overcame a lovely little Connecticut town's fears that their new gas station would prove a blight because it would replace a number of lovely trees, by showing the townspeople that the station would itself be a lovely gas station, and 4) how they were against littering.

I'm sure that the president of that company feels that this position makes him a conservationist, because until recently it was unusual for an oil company even to mention pollution or ugliness. Now that there's public goodwill in conservation, now that it's a hot topic, it's "good business to think of the environmental *implications* of industrial action," as a major chemical company executive recently suggested.

Another example: a recent copy of the New York Times carried a Pan American Airways ad which announced "the latest breakthrough" in relieving airport congestion. I was ready to be told they had reduced their total number of flights, or scrapped the Boeing 747, or cancelled their SST orders. But it turned out that what they had done was to build a second terminal at Kennedy Airport in New York, so they could handle up to twice as many passengers with less congestion—inside. Getting the planes onto the ground without bumping each other is another matter, and getting passengers into New York City from the airport was somebody else's problem.

And we've all seen more than our share of power company ads. Usually they bring us one—or more—of four urgent messages: 1) use more electricity; 2) the folks at your neighborhood power company are working like crazy developing new and creative means for winning the War on Pollution. (A recent headline from Pacific Gas & Electric: "We Put A Smile On Mother Nature's Face."); 3) we need more power plants to fill our growing power needs, atomic ones; they're as safe as chocolate ice cream; 4) they need a rate increase to finance the research.

I had thought I had already reached the pinnacle of my own shame and disgust concerning utility advertising—what are they doing advertising at all if they are a *public* utility—when by chance I came across an old congressional record and found a speech by Senator Lee Metcalf which somehow has gone unnoticed by the press and by conservationists.

Senator Metcalf pointed out that during 1969, public utilities spent nearly $300 million on advertising, *more than eight times* what they spend on research, all the while proclaiming *in the ads* their feats of anti-pollution research. Metcalf also noted that about a fourth of all the power companies in this country actually did no research at all, yet they spent millions in advertising to *talk* about research and to sell us all on using more electrical power at the same time as they tell us there's a power shortage. If advertising dollars are going to be spent by utilities, one would think—considering this so-called power shortage which makes the introduction of nuclear plants "inevitable," in the words of Newsweek—that the ads would be appeals to use *less* power.

It's also worth noting that like other utility industries, power companies work on a cost plus basis. That is, they add up all their costs and then they can charge you and me, say, 7.5 per cent of the total and that's their profit. Advertising is included among the allowable costs and so you see they actually make more money by running more ads and artificially building up their costs.

THE JOYS OF NUCLEAR POWER

Westinghouse Corporation has *really* jumped onto the ecological bandwagon. As one of the major suppliers of the technology needed to build nuclear power plants, Westinghouse has been running four-color ads everywhere, extolling the anti-polluting virtues of atomic power. The picture shows a beautiful girl sunbathing upon a lake which has one of those dome-shaped neo-modernistic nuclear plants in view. "Nuclear power plants are good neighbors," says the ad, "reliable, low-cost . . . neat, clean, safe."

And in a corporate brochure called "The Infinite Energy," we read about the pollution problems of conventional power systems and the marvelous advance that nuclear power represents. As for fears of radiation hazard, those are overstated, says Westinghouse. Even the sun, after all, produces radiation! "Sunshine is a gold blanket of radiation," reports the brochure. "The sun is actually a giant nuclear furnace operating much like a nuclear power reactor that is used to generate electricity. Overexposure to some of these rays is dangerous, just as overexposure to the sun's rays can be dangerous."

Simply ignored are the extreme dangers of "nuclear excursion"—of which there have already been several fortunately minor instances. A "nuclear excursion" is a leak in a reactor which could potentially cause the radiation effects equal to an atomic explosion, without any of the visual appeal. All buildings and inanimate objects within range would remain; only people and other living things would be done in.

The likelihood of such a disaster is great enough that Dr. David Lilienthal—a former director of the AEC—when asked his opinion of a proposed nuclear power plant in Queens said, "I wouldn't live in Queens if there was going to be a nuclear power plant there." And Dr. Edward Teller—no trainee in nuclear physics, and no bird watcher either—has said "A single major mishap in a nuclear reactor could cause extreme damage, not because of the explosive force but because of the radioactive contamination. . . . So far we have been extremely lucky. . . . But with the spread of industrialization, with the greater number of simians monkeying around with things that they do not completely understand, sooner or later a fool will prove greater than the proof even in a foolproof system."

Westinghouse doesn't include *that* point of view while telling us of its concern with the environment. Nor does it, or any power company, while extolling the virtues of nuclear power, mention the radiation danger involved in the disposal of radioactive wastes. Nor do they mention that nuclear power plants produce another spectacular kind of pollution which is, if anything, *more* dangerous to the natural system than radiation, and that is thermal pollution: the water will be heated to the point where the ecological cycle will be disrupted, some species of fish or other living organisms will be killed, and whatever depends upon them for sustenance may not survive and so on up the line.

So much for Westinghouse's "non-polluting" power system.

"PLANT A LAWN IN A DEEP FREEZE"

Atlantic Richfield diverts us from their destructive Alaska Pipeline project by telling us that they are planning to seed the tundra areas done in by the pipeline. The fact is, they are going to *try* to plant grass, but no botanist outside the company thinks it's likely to work. And anyway, is planting grass a suitable solution for the terrible disturbances which the pipeline will cause to a very fragile wilderness?

Potlatch Corporation, a lumber company whose slogan is "the forests where innovations grow," has taken to running ads with pictures of trees and birds and rivers to show us that, as lumbermen, they have an intimate feel for the natural order. So while they are cutting down the innovations, we ought not to worry; they know what they are doing.

Coca-Cola ads tell us that it does offer "deposit and return" bottles but, on behalf of its customers who "demand" the no-deposit-no-return version of the bottle, they are continuing to put out that kind too. But just don't litter, they say, and everything will be all right.

Advertising is destroying the word "ecology" and perhaps all understanding of the concept. A few weeks ago, PG&E ran a head-

line advocating "a balance between ecology and energy." But ecology is not a thing that is balanced against anything else. The word describes a science of the interrelatedness of *everything*. Energy is a detail which only Man has decided to make a fuss over. That is what must be remembered, and it is getting increasingly hard to do so with this immense outpouring of diversionary, false and deadening information.

A BILLION DOLLARS OF REASSURANCE

I am prepared to make the case that the $300 million in advertising spent by power companies (which, by the way, is about a third of the entire federal anti-pollution budget in Mr. Nixon's budget message), combined with the millions spent by oil companies, chemical companies, auto companies, industrial associations, the newly burgeoning antipollution industries, and so on—nearly a billion dollars, I would guess—is actually producing a net *loss* in this so-called War on Pollution. It's called cooptation in other circles, and I believe that it's operative here, perhaps not deliberately, but nevertheless.

All of the government rhetoric, magnified by industrial assurances, has the effect of destroying the power of the ecology message. People's eyes are already beginning to glaze at the sight of still more jargon about saving the world. It's awfully hard to out-shout roughly a billion dollars of advertising money. Especially when you consider that last year's total offsetting advertising expenditures by for-real conservation organizations were only roughly $200,000—or two-hundredths of one per cent of the industry output.

The net effect of all this media spending and the government's cultivated image of activity is to encourage a society already dazzled by technology to be further assured that technology is solving the problem—people want so much to be assured—and so it's back to the television set. Perhaps even worse than the fact that the ads are misleading—even lying in many instances—is the fact that they divert the reader from a more basic understanding of what's really going on: that technological society is beginning to reach its limits, economic expansionism is going to end, and endless consumption is going to end, and we're all of us going to begin adopting some of the techniques of peoples who live on islands, say, and for whom a finite system such as island Earth, is a given.

If we don't develop that understanding of the limits of things, of the islandness of Earth, of the fact that we are wildlife, too, then all the anti-pollution messages and money will be useless. Suppose our technology does manage to develop a pollution-free car engine? Will *that* make it acceptable to cover the landscape with highways and automobiles?

ADVERTISING A DYING INDUSTRY

A short while ago I made some of these remarks to the San Francisco Association of Industrial Advertisers. I even went so far as to tell them that I personally believe advertising is a dying industry. Tied as it is to an expanding economy and given that we live in a finite system, on an island in space, advertising is doomed, eventually, at least in the form we now know it. If you don't need to sell more of a thing, then you probably don't need advertising.

If advertising has any future at all after, say, the next ten years, it will probably be more in the area of propagandizing for issues of one sort or another, basically issues which help expand the individual rather than the economy; or perhaps we'll have advertising of products that are related to issues—such as for a company which really has found a way to harness the sun's energy as a clean power fuel; or, it will be purely informational in nature: "We have eight old Fords here today."

I had expected, frankly, to be attacked by this industrial group—for having attacked them and for the nonsense about a no-growth economic system which didn't include advertising the annual style change. Instead, the response, after the first few minutes, was giggling, chattering under the breath and staring at the ceiling. Nobody was the slightest bit upset. Nobody *was listening*.

It was a very depressing evening. I eventually went out and got drunk with a Wall Street Journal reporter interested in the implications of the no-growth system. He had seen the no-response and remarked that for the first time, he really believed the world *was* coming to an end.

Business and advertising and public relations have gotten so adroit at imitating honesty that many of us have gotten out of the habit of just leveling, taking the good with the bad and hoping that since the basic intentions are good, things will work out. We can't avoid trying to steer the world back in our own direction. So the truly gratuitous act rarely takes place. Yet I believe a San Francisco dressmaker, Alvin Duskin, could be elected mayor of San Francisco with a little bit of effort, and it's only because he gratuitously committed himself publicly on a subject of concern—not turning over Alcatraz to H. L. Hunt—and at the end, he didn't try to sell anyone dresses, or finish up his stand with some catchy slogan like, "Always Interested in Beauty, Whether on Ladies' Dresses or in Your Bay."

But that kind of gratuitous behavior is very rare indeed. It is, in fact, discouraged as being unjustified by profits, whereas ads which self-serve while seeming to be taking up controversial questions in the public interest, are given extreme praise for their image of involvement.

For example, the most prestigious of all advertising awards are those given annually by Saturday Review "for distinguished advertising in the public interest." But what *they* call "public interest" is not exactly what you'd call public interest. Here is the way Saturday Review defined the way to think about the award-winning ads:

"Although corporate advertising does not have as its primary objective the direct sale of specific products to the consumer, it certainly does create and maintain a favorable selling climate among customers and prospects. It skillfully cultivates the image of quality. . . . Insofar as a corporation communicates a feeling of company responsibility, good neighborliness, and an awareness of public service, the sort of campaigns submitted in SR's 1970 competition must pay off not only in community relationships where the company operates but among its citizen customers."

It should therefore not be very surprising that this year, out of 40 awards, 16 (40 per cent) went to power companies, oil companies, chemical companies and mining and extracting companies, all of whom have a lot of "good neighborliness" needs to get across. Only three awards went to what you could call "do-good" institutions, if you are prepared to think of the American Institute of Architects, Blue Shield, and the Advertising Council as "do-good" institutions which are something beyond sophisticated lobbies. (Howard Gossage once said of the Advertising Council that it was willing to advocate causes, "but only those that would be thought of as controversial by people who are for cancer or against safe driving.")

As for Saturday Review's "18-Year Honor Roll" of award winners, it shows 20 winners, 11 of which are companies engaged in extracting—Weyerhaeuser, Shell Oil, etc.—and three of which are chemical companies in need of communicating "a feeling of company responsibility, good neighborliness and an awareness of public service."

HUMAN CHAUVINISM

Whereas corporate "institutional" advertising used to show pictures of labor and capital shaking hands, now it's "business and ecologists working together to control the environment," as a bank ad recently put it. Technology will take care of everything. Man's ingenuity will win out. Even the Ford Foundation says so.

I recently approached Ford about a project which had the possibility of countering the glut of industrial eco-advertising: an advertising foundation, funded by Ford and managed by a coalition of militant though "respectable" conservation groups. The ad foundation would be manned by the literally hundreds of ad men who have made known (to me, and also publicly) their interest in working solely on this subject—even at half salary. They would create ads which reveal the half-truths and omissions in industry ads; fight on specific issues as they come along; and undertake to educate the public as to truly basic, not cosmetic, solutions to the environmental crisis. They would take up such questions as life-styles, consumption patterns, the need for a no-growth economy in a finite system, the requirement that technological innovation ought to be scrutinized from the point of view that it is guilty until proven innocent, not vice versa.

It didn't take long for this Ford man, a certain Mr. Felling, to dismiss the project as hopelessly naive and to go on describing Ford's work in teaching young children how to "better manage the environment." The meeting broke up when I told him that that sort of education—"managing the environment"—would do far more harm than good. We are already *managing* the environment, and that's why we are in the mess we are in; it is a further example, borrowing from Women's Lib, of what let's call *Human* Chauvinism.

It hardly matters whether one believes that we were given dominion over other living things or we just took it, but in any event our excuse is that we've got the brains and can use machines, giving us some kind of de facto royalty status. As a result, however, we have removed ourselves from the processes that formed all the other living things; we forget that the fabric is all connected and we are just a thread of it.

Every ad that espouses a new technological intrusion into natural systems, even as a solution to pollution, encourages us to forget that fooling with one stitch alters the whole fabric.

CONTROLS ON ADVERTISING

We already see many signs that what began with cigarette advertising is likely to become the model for all advertising within industries which drastically affect the environment. Cigarette advertising, after all, is demonstrably less of a menace to society's survival than the advertising of pesticides or detergents or lumber or power.

Friends of the Earth, in concert with other conservation groups, has begun proceedings to apply the results of the Fairness Doctrine case against cigarette advertising to advertising of polluting industries. If they succeed, as I believe they eventually will, all radio and television stations will be required to provide a conservation organization with time in which they may present a counter message to an ad. If an automobile company runs a one-minute spot advertising its new model, Friends of the Earth could indicate what the implications of the annual style change are. Or they could talk about the pollution from cars, or the raw materials that go into building them, or the problem of disposing of them. And the roads needed to run them on. When a Standard Oil ad for its F-310 appears, calling it "the most long-awaited gasoline development in history," they will be able to put it in perspective by showing that the gas represents only a five per cent pollution improvement, leaving 95 per cent, and that the ad is filled with deliberately misleading information. (See Eco-pornography Portfolio.)

So far, I'm afraid, that sort of government

interference strikes me as the only way to mitigate the effects of the millions of ad dollars which are being spent to tell just one side of the story. The only other alternative is for ad people to get on the firing line and influence what kind of message is going down. It might be that a new period of laying it on the line would then ensue and we'd all be better off.

Advertising people are, by and large, intelligent; it's a question of commitment. I hope that more and more find themselves in the position of Mr. James Webb Young, who retired himself from the business one day to work for some worthy foundation. When asked why he did, it he said, "One morning I woke up and I didn't give a damn whether they sold more Quaker Oats than I sold Cream of Wheat."

THE SDS AT KENT STATE

Mr. HANSEN. Mr. President, when the President's Commission on Campus Unrest begins its investigation into the tragedy at Kent State, I would suggest that required reading for all members of the Commission should be the 1969 Annual Report of the House Committee on Internal Security. I refer particularly to chapter 4, pages 43 through 52, which is titled "SDS Activities at Kent State University, Kent, Ohio."

This section is a report on hearings held by the committee on June 24 and 25, 1969. Among those who testified at these hearings were Dr. Robert I. White, president of the university; Dr. Robert Matson, vice president for student affairs; Margaret A. Murvay, a student who attended SDS functions as a reporter for the campus radio station; Lt. Jack R. Crawford of the university police department; and Chester A. Williams, university director of safety and public services.

Testimony showed that SDS emerged as an organizational force on the Kent State campus in the spring of 1968 when a group which had been operating under the name of the Kent Committee To End the War in Vietnam decided it would become more well known under the name of SDS. This local chapter quickly became affiliated with the Ohio regional SDS, located in Cleveland, and the national headquarters of this organization. Key appearances during the fall of 1968 were made on the campus by Mark Rudd, chairman of the SDS chapter at Columbia University, who spoke on the campus on October 24 and returned November 5 to lead a rally and march protesting the national elections.

Witnesses testified that while the SDS produced some minor disruptions on the campus, a major effort was put into organizing a spring offensive, to begin on March 30, 1969, whose avowed purpose was to "smash the military in the schools." To implement this offensive, the SDS published an "Organizers' Manual for the Spring Offensive." The following section of this manual was introduced into testimony before the committee:

> During the course of the struggle, it will probably be necessary and helpful to carry out a series of escalating "mini" actions to help build consciousness and dramatize the issue. Beginning with guerrilla theater actions in dorms we can escalate to disrupting classes, street marches, quick assaults on buildings, etc., before moving to the major confrontation of the struggle.

The manual also spelled out the objective of such actions. SDS did not seek reforms but creation of a so-called revolutionary class consciousness among students which would enable them to identify with struggles in Vietnam and Cuba while struggling against capitalism and imperialism at home. SDS members were expected to hold themselves ready "to move, to desanctify, to confront, to escalate, and ultimately to defeat the system we live under."

Testimony showed that the university made good faith efforts to negotiate with the SDS but that the demonstrators refused to moderate their demands. The spring offensive was carried out in three major confrontations and a series of lesser disruptions during April and May. The militant tactics of the SDS were outlined in several speeches during these demonstrations.

The Kent Stater, the campus newspaper, quoted one SDS activist who spoke at a rally on May 6:

> They used guns at Cornell and they got what they wanted—it will come to that here.

Again, on May 22, another SDS member told a rally in front of the Student Union:

> We'll start blowing up buildings, we'll start buying guns, we'll do anything to bring this—(obscenity for school)—down.

Despite the militant tactics of the SDS, the report says that university officials took quick and effective counteraction during each of the demonstrations, aided by the Ohio State Police. This action prevented the SDS from shutting down the university. Another SDS pamphlet circulated after April 16, which was titled "The War Is On at Kent State," acknowledges that:

> The repression has clearly hurt us: over sixty of our people have been banned from the campus, at least eleven face heavy charges, with total bail exceeding $120,000.

While the testimony before the Internal Security Committee only covered the period until June 1969, I would strongly suggest that Governor Scranton and other members of the President's Commission on Campus Unrest review this testimony because the hearings clearly proved three facts: First, there has been an extremely active SDS chapter at Kent State with strong ties to the national organization; second, the chapter has been dedicated to "defeat the system"; and third, members of that chapter were advocating the use of any means, including guns and explosives, to achieve their objectives.

Any investigation which purports to examine the underlying causes for the tragic violence at Kent State University cannot, in good conscience, ignore this evidence.

Certainly, in the case of Kent State it will not be enough for the Commission merely to blame the rioting and the subsequent shootings on the President's decision to invade Cambodian sanctuaries.

Neither will it be enough to say that the cure is to attempt to control mobs, led by dedicated militants and anarchists with unarmed national guardsmen.

I am confident the Commission will find it useful and enlightening to read the report.

ARMS LIMITATION AND THE SOVIET UNION

Mr. MOSS. Mr. President, we spent a great deal of time in the Chamber last week debating whether ABM expansion would help or hinder U.S. interests in the SALT talks and in other dealings with the Soviet Union. The Salt Lake Tribune recently labeled the arguments of those who were sure that the Russians would be willing to come to terms on arms limitation if they see the United States is determined to go ahead with an antimissile network as a "Multibillion Dollar Bluff" and asked the very pertinent question as to how those who supported the system, while still doubting its value, are going to feel if the Soviet Union calls that bluff.

I ask unanimous consent that the very well written Salt Lake Tribune editorial be printed in the RECORD.

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

MULTIBILLION DOLLAR BLUFF

One of the original arguments for constructing the Safeguard antiballistic missile system was that it would be a valuable bargaining pawn in any negotiations with the Russians to slow or call off the arms race.

Now that such talks are under way with Russia, the old argument has gained added weight, enough at least to sway a couple of critical Senate votes and enable the administration to beat back an attempt to curb enlargement of the Safeguard system from two to four bases. Two senators, Thomas J. McIntyre, D–N.H., and James B. Pearson, R–Kan., who voted against ABM deployment last year said they voted in favor Wednesday because of their new belief in the importance of Safeguard expansion as a prime bargaining chip.

The idea is that the Russians will be more willing to come to terms on arms limitations if they can see that the United States is determined to go ahead and up the ante by building an anti-missile network if the arms limitation talks fail. Without ABM expansion, the argument goes, the other side would have less incentive to reach agreement.

At this stage it's a difficult argument for anti-ABM forces to counter. But it is a transparent bluff and if the Russians call it we may see some of the poker faced senators who voted to expand ABM Wednesday changing their minds when they are asked to vote additional billions of dollars to complete a system of missile defenses that has yet to be proven effective.

Up to that time when the proposed network of Safeguard bases passes the point of no return it may do no great harm for the Senate to provide bargaining muscle the administration says it needs. After all, if agreement on arms limitation is reached soon, the ABM bases, still in the preliminary stages of planning and construction, can be cancelled. But at some point in the next few years the bargaining power argument will face its moment of truth. If it proves to have been in error, if it fails to elicit concessions from the Russians, then Safeguard must stand or fall on its credibility as an effective defense against an actual missile attack. By then the two bases already authorized and the two more now being debated in the Senate will have consumed several billion dollars.

If the bargaining bluff succeeds and actually contributes to arms limitation accord then the money may have been well spent. If

it falls and the bargaining muscle argument is no longer relevant the Senate will at last have to face the basic question it has avoided up to now: Can the U.S. afford to spend billions on a missile defense system that may not work and could be outdated before it is even completed? When that question is finally faced squarely we think the present narrow administration ABM "victories" will be reversed.

THE REPUBLICAN TREATMENT OF SENATOR GORE

Mr. GORE. Mr. President, my friends in the Republican Party are, at least in some notable respects, overly generous to me. Indeed, of late, they almost invariably give to me preferred treatment. For this, I must express perceiving appreciation.

True, the seniority I have attained in the U.S. Senate is an extremely valuable asset to the people of Tennessee, and it entitles me, by protocol and rules of the Senate, to certain recognition and rights. I have never particularly insisted upon them nor paraded them as assets, and I do not think I deserve all the deference and attention they accord to me. They not only accord me all the requirements of protocol, but in their generous concern for me and the people of Tennessee, whom I represent, they really are now going beyond the call of duty.

I am repeatedly singled out for preferential treatment by the highest and mightiest of the high and mighty within the Republican ranks. Only yesterday there was much ado about a political powwow at the White House where, my confidential sources reveal, I was the No. 1 subject of attention.

If this were a new experience, I would feel flattered, but since it is repeated so often, I am beginning to become a little wary. It begins to look like some of my distinguished and topmost Republican friends are about to become carpetbaggers bearing gifts. On the knees of my grandfather, I came to dislike carpetbaggers, and as a boy, loving to read history on lonely nights on the farm, I read from Euripides on the Trojan War, who said:

I fear the Greeks, even when bringing gifts.

Among surviving symbols of the Civil War in the South, none is more meaningful than the carpetbagger. Tennesseans know what a carpetbagger is, and they do not like carpetbaggers. No one needs to tell us what the term means.

An eminent historian has described carpetbaggers as "unscrupulous adventurers who came down from the North with the view of improving their fortunes." They brought little with them, their total worldly worth—small as it was—thrown into one tattered, greasy carpetbag.

The carpetbaggers came like locusts. They came by boat, by train, on foot. They had nothing to contribute, for their intrinsic worth was small.

But those old-style carpetbaggers had a plan—a Southern strategy, if you will. That strategy was threefold:

First. Seize political power, purging existing leadership.

Second. Take over the tangible economic assets—land, transportation facilities, banks, and commercial establishments.

Third. Exploit mercilessly the cheap labor they found in such abundance, and keep it cheap and hungry.

They became the merchants and the moneychangers. They ran up interest rates to keep the workingman from reclaiming a part of the native wealth which was rightfully his. They sweated and broke the backs of whites and blacks. They depressed the prices of everything the South could sell and ran up prices on what we had to buy.

In sum, they sought, and they carried out, the basest kind of economic exploitation, bleeding our people in the process with discriminatory freight rates, high interest rates, and other economic discriminations. We did not really begin to recover from this economic exploitation until the days of Franklin D. Roosevelt.

So, Mr. President, it is perhaps understandable that the people of Tennessee are customarily independent and jealous of their own rights and prerogatives.

The distinguished Vice President has specifically singled me out for special attention on at least four occasions. He even became so generous upon one occasion as to promise to come to Tennessee and to speak in the Tennessee senatorial campaign. The first such individual attention directed to me by the distinguished Vice President was contained in an exclusive interview with the Nashville Banner, in which I was the first Democratic Senator to be listed as a target of Mr. Agnew's attention in 1970.

As a further measure of personal consideration, Vice President AGNEW, even though somewhat displeased with my action as a Senator from Tennessee, assured Mr. Roger Mudd during a CBS television program that he did not wish to "single" me "out for retribution." Not at all. "No, not for retribution; we had him earmarked long before this," he said.

So you see, Mr. President, I have come to expect, if not to rely upon, this preferential treatment by the Vice President.

But this is not all. Even President Nixon has taken unprecedented action directed at me individually and personally. For instance, my opponent in the campaign for the Senate this year was selected at a conference with President Nixon in the White House many months ago. This had the beneficial effect, however, of relieving members of the Republican Party in Tennessee from making a choice; that choice having already been made by the Washington bigwigs.

Then President Nixon broke a precedent by taking only members of his own party on a taxpayers' plane on his visit to Knoxville earlier this year, where he publicly embraced my opponent before the assembled throng and television cameras. Please understand, Mr. President, that even if I had been invited to ride the taxpayers' plane to my home State, I would not have expected an embrace.

It was unprecedented, at least, to exclude me in this manner.

I was invited, I would like to add, to the White House a few days ago, along with other members of the Committee on Finance, when President Nixon signed into law the unemployment compensation bill, in which I have long been interested. The only thing unusual was that when the invitation came by telephone from the White House, I was also advised that the President "is now signing the bill." The traffic was a little heavy in Washington that day, so I decided that maybe the bill might be law before I could get there. I am sure, however, that was purely an accident, as we were assured by the call from the White House that it was not in any way intended as a personal slight.

The most recent incident in which I am given preferred treatment is in the official publication of the Republican National Committee, dated August 10, 1970. It says that in one particular regard—

Tennessee's Senator Albert Gore belongs at the top.

Now, I must admit that the words just quoted constitute only a part of the first sentence in an article which gives me top billing.

It is true that the people of Tennessee have held me "at the top" during a constructive and fruitful term in the U.S. Senate. Then, again in the primary elections for U.S. Senator in Tennessee on August 6, I was again "at the top" with the people of Tennessee. Though I did not receive as many votes as I would have liked, I did win with a total vote that was almost 40,000 more than the combined total of all three candidates for the Republican nomination to the Senate. So, assuming that I can retain the support of those who voted for me in the primary, not an unimaginable event, and assuming that my Republican opponent retains all of his support and obtains the support of all those who supported his opponents, then the support of any major part of the vote that supported my own distinguished opponents in the Democratic primary would place me "at the top" again on November 3.

But, Mr. President, far be it from me to take further license with an official publication of the Republican National Committee without quoting the entire first sentence of this notable article. It is as follows:

In making up any list of Congressional big spenders Tennessee's Senator Albert Gore belongs at the top.

For the first time, Mr. President, I must demand a recount. The Republicans are pretty slick bookkeepers, but they must have shortchanged me somewhere along the line. They call me the "big spender of the week" because in 18 years, they say, I have advocated the expenditure of $225 billion. Now something is wrong. President Nixon has already advocated spending almost that much so far this year. I surely must have done better than that.

I have been in the Senate for 18 years. During this time the budgets proposed by our Presidents, including Presidents Eisenhower and Nixon, have totaled $2 trillion. I have voted, I must admit, for every defense appropriation bill, for every farm money bill, for every social security bill, and for every veterans bill during all this time. The total of all these budgets is more than 10 times the amount with which I am being charged in this official indictment. In addition, I have supported the building of the Tennessee Valley Authority, which many Republicans

have opposed. I have supported atomic energy weapons programs, civilian nuclear power programs to try to save us from blackouts, and I kept the Nixon administration from giving away the atomic powerplants. Yes, too, I was coauthor of the Interstate Highway bill, which President Eisenhower signed into law, and I pushed the first medicare bill through the Senate over Republican opposition.

So, Mr. President, I demand a recount. I am simply not willing to admit that President Nixon has advocated nearly as much in 1 year as I have been able to think of and support in 18 years.

There is, I must admit, a difference. This official publication has charged me with supporting antipoverty programs, housing programs, programs to improve education, and veterans benefits and Appalachia, all of which President Nixon has vetoed. To this I plead guilty. I only wish this official publication might have had the decency to add that I have voted to reduce President Nixon's two budgets by many billions of dollars, that I opposed the soft loan giveaways to Latin America when our own communities were being denied funds for needed public facilities, that I have voted to impose limits on subsidy to the big corporation farmers, that I have supported a reordering of our priorities to give more attention to the needs of our people.

I firmly believe in careful, purposeful, but prudent spending for needed programs—education, health-care, housing, nurture of the young and care of the old in dignity and self-respect. These, let me acknowledge, stand high on my list. That is the reason why I voted to override Presidential vetoes of the Hill-Burton Hospital Act and of the Education Appropriation bill.

Perhaps these are some of the reasons, too, that I am "singled out" as target No. 1 in 1970.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there be no further morning business, I ask unanimous consent that the period for the transaction of routine morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. ALLEN). The pending question is the committee amendment in the nature of a substitute as amended to H.R. 17123.

Mr. BYRD of West Virginia. I thank the able Presiding Officer.

Mr. President, I understand a Senator wishes to come to the Chamber. Therefore, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR HATFIELD TOMORROW

Mr. GRIFFIN. Mr. President, I ask unanimous consent that tomorrow when the Senate proceeds to further consideration of the Hatfield amendment——

The PRESIDING OFFICER. The Hatfield amendment has not been offered as yet. Does the Senator refer to the unfinished business?

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the call of the Calendar of unobjected-to items, the distinguished Senator from Oregon (Mr. HATFIELD) be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I observe that there are several special orders for the recognition of Senators following disposition of the call of the Calendar; and there is already unanimous consent to lay before the Senate the unfinished business following all such special orders for recognition.

If the able Senator from Oregon wishes to be recognized at that point there would be no difficulty.

Mr. KENNEDY. Mr. President, I ask unanimous consent that after the distinguished Senator from Oklahoma (Mr. HARRIS) concludes his statement tomorrow that the distinguished Senator from Oregon (Mr. HATFIELD) be recognized.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The last Senator who has time alloted to him is the Senator from Connecticut (Mr. RIBICOFF).

Mr. KENNEDY. Mr. President, as I understand the situation, it is joint time between the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Oklahoma (Mr. HARRIS). Is that correct?

The PRESIDING OFFICER. After the Senator from Oklahoma (Mr. HARRIS) and the Senator from Connecticut (Mr. RIBICOFF) have had their allotted time, is it then that the Senator from Oregon wishes to be recognized?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, would the distinguished Senator from Massachusetts revise his request to read that the able Senator from Oregon (Mr. HATFIELD) be recognized immediately upon the laying before the Senate of the unfinished business?

Mr. KENNEDY. Mr. President, if my unanimous-consent request did not include that request, I amend it to so include it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the Senator from Oregon will be recognized as soon as the unfinished business has been laid before the Senate.

ADJOURNMENT TO 9:30 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and (at 6 o'clock and 31 minutes p.m.) the Senate adjourned until tomorrow, Thursday, August 20, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations recevied by the Senate August 19, 1970:

FOUR CORNERS REGIONAL COMMISSION

Stanley Womer, of Arizona, to be Federal Cochairman of the Four Corners Regional Commission, vice L. Ralph Mecham.

IN THE ARMY

Gen. James Karrick Woolnough, xxx-xx-xx... xxx-... Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general under the provisions of title 10, United States Code, section 3962.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Abrams, Lester W., xxx-xx-xxxx
Ackerson, Frederic, xxx-xx-xxxx
Adair, Don W., xxx-xx-xxxx
Adinaro, Joseph T., xxx-xx-xxxx
Agnor, Thomas J., Jr., xxx-xx-xxxx
Aguilar, Arthur xxx-xx-xxxx
Allen, Charles W., Jr., xxx-xx-xxxx
Allen, Robert W., xxx-xx-xxxx
Andersen, Gilbert K., xxx-xx-xxxx
Anderson, Ferd E., Jr., xxx-xx-xxxx
Arbuckle, Robert C., xxx-xx-xxxx
Asmus, Grover W., xxx-xx-xxxx
Babbitt, Bruce C., xxx-xx-xxxx
Badger, Frederick C., xxx-xx-xxxx
Barber, Roscoe A., Jr., xxx-xx-xxxx
Barker, Charles W., xxx-xx-xxxx
Barlow, Kendrick B., xxx-xx-xxxx
Barrett, John C., Jr., xxx-xx-xxxx
Basham, Edwin W., xxx-xx-xxxx
Bassler, Robert E., Jr., xxx-xx-xxxx
Beasley, Rex W., Jr., xxx-xx-xxxx
Becker, Jack G., xxx-xx-xxxx
Beckner, Richard G., xxx-xx-xxxx
Benedict, Calvert P., xxx-xx-xxxx
Bentz, Harold F., Jr., xxx-xx-xxxx
Berge, Einar, xxx-xx-xxxx
Berger, Roy H., xxx-xx-xxxx
Berridge, William J., xxx-xx-xxxx
Berry, Robert H., xxx-xx-xxxx
Bess, Victor E., xxx-xx-xxxx
Bigler, William R., xxx-xx-xxxx
Black, Charles S., xxx-xx-xxxx
Blazey, Frank E., xxx-xx-xxxx
Bledsoe, Thomas D., Jr., xxx-xx-xxxx
Bletz, Donald F., xxx-xx-xxxx
Blyth, Rodney A., xxx-xx-xxxx
Boake, Curwin, Jr., xxx-xx-xxxx
Bolz, Henry H., Jr., xxx-xx-xxxx
Bond, James E., xxx-xx-xxxx
Book, Clair L., xxx-xx-xxxx
Booth, Shephard A., xxx-xx-xxxx
Boundinot, Truman E., xxx-xx-xxxx
Bowers, Frame J., Jr., xxx-xx-xxxx
Bowie, Kyle W., xxx-xx-xxxx
Boyd, Benjamin F., xxx-xx-xxxx
Boyd, Russell R., xxx-xx-xxxx
Bresnahan, Richard xxx-xx-xxxx
Bridenbaugh, Donald xxx-xx-xxxx
Bronson, Don H., xxx-xx-xxxx
Brown, David D., xxx-xx-xxxx
Brown, Levi A., xxx-xx-xxxx
Brown, Lloyd A., xxx-xx-xxxx
Bryant David T., xxx-xx-xxxx
Bryant, Oren W., xxx-xx-xxxx
Burnell, Ray L., Jr., xxx-xx-xxxx
Burney, John C., Jr. xxx-xx-xxxx
Callaghan, John W. xxx-xx-xxxx
Campbell, Norman J. xxx-xx-xxxx
Carney, Clement E., xxx-xx-xxxx
Carroll, Edward F., xxx-xx-xxxx

Carson, John L., xxx-xx-xxxx.
Cavanaugh, Edward J., xxx-xx-xxxx.
Cheatham, Jesse R., xxx-xx-xxxx.
Child, John L., xxx-xx-xxxx.
Chrzanowski, John J., xxx-xx-xxxx.
Clavio, James D., xxx-xx-xxxx.
Cleland, John R. D., Jr., xxx-xx-xxxx.
Clifford, Carcie C., xxx-xx-xxxx.
Coleman, James E., xxx-xx-xxxx.
Collins, Edward J., xxx-xx-xxxx.
Conant, Frank D., Jr., xxx-xx-xxxx.
Collins, Joseph E., xxx-xx-xxxx.
Conger, Lester M., xxx-xx-xxxx.
Convey, James E., Jr., xxx-xx-xxxx.
Corcoran, Frank xxx-xx-xxxx.
Cound, William T., xxx-xx-xxxx.
Counts, Charles R., xxx-xx-xxxx.
Cramer, Robert G., xxx-xx-xxxx.
Crizer, Pat W., xxx-xx-xxxx 6.
Cronkhite, Willias D., xxx-xx-xxxx.
Crowley, Robert E., xxx-xx-xxxx.
Daniel, Charles D., Jr., xxx-xx-xxxx.
Darby, Charles R., xxx-xx-xxxx.
David, Bert A., xxx-xx-xxxx.
Davidson, Lonnie M., xxx-xx-xxxx.
Davis, Charles E., xxx-xx-xxxx.
Day, Franklin R., xxx-xx-xxxx.
Day, James A., xxx-xx-xxxx.
De Kay, Richard F., xxx-xx-xxxx.
De Moya, Harold G., xxx-xx-xxxx.
De Witt, Richard P., xxx-xx-xxxx.
Del Mar, Henry R., xxx-xx-xxxx.
Dennett, George L., xxx-xx-xxxx.
Dierauf, Frank, Jr., xxx-xx-xxxx.
Dixon, James T., xxx-xx-xxxx.
Doeppner, Thomas W., xxx-xx-xxxx.
Douthitt, Robert S., xxx-xx-xxxx.
Dubsky, Charles F., xxx-xx-xxxx.
Dumas, Walter A., xxx-xx-xxxx.
Dunlop, John xxx-xx-xxxx.
Dunn, Horace B., Jr., xxx-xx-xxxx.
Dupart, William L., xxx-xx-xxxx.
Edelstein, Leonard, xxx-xx-xxxx.
Edwards, Stephen O., xxx-xx-xxxx.
Elder, James M., xxx-xx-xxxx.
Elwell, Raymond G., xxx-xx-xxxx.
Ely, John A., xxx-xx-xxxx.
Emerson, John E., Jr., xxx-xx-xxxx.
Ensor, John O. xxx-xx-xxxx.
Fair, Stanley D., xxx-xx-xxxx.
Ferguson, Thomas J., xxx-xx-xxxx.
Filby, Robert A., xxx-xx-xxxx.
Fink, George S., xxx-xx-xxxx.
Finley, Joe W., xxx-xx-xxxx.
Flores, Joe B., xxx-xx-xxxx.
Flynn, Thomas B., xxx-xx-xxxx.
Forrester, Charles xxx-xx-xxxx.
Fox, Archie C., xxx-xx-xxxx.
Frazier, Rawls H., xxx-xx-xxxx.
Feitag, Horace V., xxx-xx-xxxx.
Fuller, Elisha J. xxx-xx-xxxx.
Fuller, Howard R., Jr. xxx-xx-xxxx.
Gannon, Vincent D., Jr., xxx-xx-xxxx.
Geary, John C., xxx-xx-xxxx.
Gemmer, Frederick L., xxx-xx-xxxx.
Gentry, Clarence E., xxx-xx-xxxx.
Gigante, James J., Jr., xxx-xx-xxxx.
Gilham, Jack K., xxx-xx-xxxx.
Gill, Harvey E., xxx-xx-xxxx.
Ginikowre, George J., xxx-xx-xxxx.
Godfrey, Wayne R., xxx-xx-xxxx.
Goepper, Edwin S., Jr., xxx-xx-xxxx.
Gordner, Henry L., xxx-xx-xxxx.
Gosling, Francis G., xxx-xx-xxxx.
Grady, John H., xxx-xx-xxxx.
Graham, Daniel O., xxx-xx-xxxx.
Greene, Byron D., Jr., xxx-xx-xxxx.
Grosz, Peter, Jr., xxx-xx-xxxx.
Gruenther, Richard xxx-xx-xxxx.
Haake, Thomas G., xxx-xx-xxxx.
Hack, Sidney, xxx-xx-xxxx.
Hadley, Alvan C., Jr., xxx-xx-xxxx.
Haisley, Philip D., xxx-xx-xxxx.
Hall, Charles M., xxx-xx-xxxx.
Hallgren, Hal E., xxx-xx-xxxx.
Halligan, Arthur J. xxx-xx-xxxx.
Halls, Alexander E., xxx-xx-xxxx.
Hamer, George R., xxx-xx-xxxx.
Hamilton, Milton M., xxx-xx-xxxx.
Hamilton, J. Y., xxx-xx-xxxx.
Hanson, Benjamin S., xxx-xx-xxxx.
Haralson, Browning xxx-xx-xxxx.
Hardin, George B., Jr., xxx-xx-xxxx.
Harrigan, Thomas Y., xxx-xx-xxxx.
Harris, Roland xxx-xx-xxxx.
Hassinger, Robert W., xxx-xx-xxxx.
Haughney, Edward W., xxx-xx-xxxx.
Hawkins, Harold M., xxx-xx-xxxx.
Hawley, George R., Jr., xxx-xx-xxxx.
Hayward, Fred O., Jr., xxx-xx-xxxx.
Hazzard, Rutledge P., xxx-xx-xxxx.
Hendericson, Harold xxx-xx-xxxx.
Hill, Benjamin H., xxx-xx-xxxx.
Hill, John G., Jr., xxx-xx-xxxx.
Hintz, Kenneth R., xxx-xx-xxxx.
Hisaka, Masakatsu xxx-xx-xxxx.
Hobson, James B., xxx-xx-xxxx.
Hockaday, Spencer T., xxx-xx-xxxx.
Hoefling, John A., xxx-xx-xxxx.
Hon, William M., xxx-xx-xxxx.
Hornbuckle, Rodney xxx-xx-xxxx.
Horne, Kibbey M., xxx-xx-xxxx.
Hoskins, Lynn W., Jr., xxx-xx-xxxx.
Houseworth, Joseph Edward xxx-xx-xxxx.
Houston, Frank W., xxx-xx-xxxx.
Howland, Frederick xxx-xx-xxxx.
Huddleston, Thomas xxx-xx-xxxx.
Hughes, Richard W. F., xxx-xx-xxxx.
Hursh, Donald G., Jr., xxx-xx-xxxx.
Hutchison, David N., xxx-xx-xxxx.
Hutto, Charles L., xxx-xx-xxxx.
Ireland, Paul M., Jr., xxx-xx-xxxx.
Jansen, Joseph A., xxx-xx-xxxx.
Jennings, Dan D., Jr., xxx-xx-xxxx.
Johnson, Richard S., xxx-xx-xxxx.
Johnson, Vernon G., xxx-xx-xxxx.
Jones, David L., xxx-xx-xxxx.
Jones, Donald M., xxx-xx-xxxx.
Jones, Harry L., xxx-xx-xxxx.
Jones, John T., xxx-xx-xxxx.
Joy, Albert E., xxx-xx-xxxx.
Joyce, Jean K., xxx-xx-xxxx.
Kane, Robert V., xxx-xx-xxxx.
Katagiri, Taro xxx-xx-xxxx.
Keefer, Robert J., xxx-xx-xxxx.
Kelso, Winchester J., xxx-xx-xxxx.
Kim, Young O., xxx-xx-xxxx.
Kimball, George E., xxx-xx-xxxx.
Kitts, Alfred R., xxx-xx-xxxx.
Klundt, Roland E., xxx-xx-xxxx.
Knapp, Robert E., xxx-xx-xxxx.
Konopka, Wenceslaus, xxx-xx-xxxx.
Krueger, Richard F., xxx-xx-xxxx.
La Mar, Andrew W., Jr., xxx-xx-xxxx.
Ladd, James V. K., xxx-xx-xxxx.
Lamb, Robert J., Jr., xxx-xx-xxxx.
Landis, Benjamin L., xxx-xx-xxxx.
Lassetter, James D., xxx-xx-xxxx.
Lawing, Clarence E., xxx-xx-xxxx.
Lee, Robert V., Jr., xxx-xx-xxxx.
Lenzner, Robert E., xxx-xx-xxxx.
Leonard, Robert N., xxx-xx-xxxx.
Lepski, Theodore J., xxx-xx-xxxx.
Lewis, William W., Jr., xxx-xx-xxxx.
Liewer, Karl R., xxx-xx-xxxx.
Lillard, Ross N., Jr., xxx-xx-xxxx.
Lincoln, William T., xxx-xx-xxxx.
Little, John T. xxx-xx-xxxx.
Loome, James R., xxx-xx-xxxx.
Love, Everett E., xxx-xx-xxxx.
Luick, Alton La Ver, xxx-xx-xxxx.
Lutz, Gaylord E., xxx-xx-xxxx.
MacIntire, Horace A., xxx-xx-xxxx.
Maddox, William J., Jr., xxx-xx-xxxx.
Maher, John R., Jr., xxx-xx-xxxx.
Malley, Robert J., xxx-xx-xxxx.
March, Robert L., xxx-xx-xxxx.
Martin, Samuel R., xxx-xx-xxxx.
Mathias, John R., xxx-xx-xxxx.
Matteson, Jack F., xxx-xx-xxxx.
McCandless, Clarence, xxx-xx-xxxx.
McCarty, Charles F., xxx-xx-xxxx.
McChristian, Clarence xxx-xx-xxxx.
McFadden, Raymond xxx-xx-xxxx.
McGarity, James M., xxx-xx-xxxx.
McIntire, Ralph W., xxx-xx-xxxx.
McMahon, Leo T., Jr., xxx-xx-xxxx.
McMurray, William, xxx-xx-xxxx.
McWhorter, John C., xxx-xx-xxxx.
Meerbott, Joseph O., xxx-xx-xxxx.
Miley, William M., Jr., xxx-xx-xxxx.
Miller, Leo J., xxx-xx-xxxx.
Minyard, James T., xxx-xx-xxxx.
Mock, Alfred J., xxx-xx-xxxx.
Moore, Ernest L., xxx-xx-xxxx.
Moore, Walter N., Jr., xxx-xx-xxxx.
Morley, Leonard A., xxx-xx-xxxx.
Morris, Edward L., xxx-xx-xxxx.
Morton, Ernest L., Jr., xxx-xx-xxxx.
Mosser, Richard B., xxx-xx-xxxx.
Muir, George C., Jr., xxx-xx-xxxx.
Myer, Charles R., xxx-xx-xxxx.
Nelson, Ivan C., xxx-xx-xxxx.
Nichols, Wayne S., xxx-xx-xxxx.
Norris, Charles R., xxx-xx-xxxx.
Nottage, Paul E., xxx-xx-xxxx.
Oakes, Edward E., Jr., xxx-xx-xxxx.
Ochs, Elmer R., xxx-xx-xxxx.
Okawachi, Toru M., xxx-xx-xxxx.
Olk, Henry J., Jr., xxx-xx-xxxx.
O'Neil, Donald S., xxx-xx-xxxx.
Orrick, Richard R., xxx-xx-xxxx.
Pankowski, Bernard xxx-xx-xxxx.
Parker, John G. xxx-xx-xxxx.
Parker, William C., xxx-xx-xxxx.
Parks, Marion W., Jr., xxx-xx-xxxx.
Parmly, Eleazar, IV, xxx-xx-xxxx.
Patton, George S. xxx-xx-xxxx.
Payne, Francis E. xxx-xx-xxxx.
Pence, Arthur W., Jr., xxx-xx-xxxx.
Pendergrass, Billy xxx-xx-xxxx.
Pepe, Joseph P., xxx-xx-xxxx.
Perkins, John, III xxx-xx-xxxx.
Persons, Wilton B. xxx-xx-xxxx.
Peters, David M., xxx-xx-xxxx.
Phaneuf, Philip E. xxx-xx-xxxx.
Philips, Robert H., xxx-xx-xxxx.
Pitzer, Homer S., Jr. xxx-xx-xxxx.
Pope, Ralph M., xxx-xx-xxxx.
Potalivo, Patsy M., xxx-xx-xxxx.
Poulin, Paul R. xxx-xx-xxxx.
Pribram, Otto E., xxx-xx-xxxx.
Price, John T., Jr., xxx-xx-xxxx.
Prost, Louis J. xxx-xx-xxxx.
Proudfoot, George F. xxx-xx-xxxx.
Proudfoot, Robert J. xxx-xx-xxxx.
Quigley, Calvin C., xxx-xx-xxxx.
Ramsey, Edward L., xxx-xx-xxxx.
Rasula, George A., xxx-xx-xxxx.
Rausch, Arthur R. xxx-xx-xxxx.
Rea, Everett L., xxx-xx-xxxx.
Reeder, John H. xxx-xx-xxxx.
Reese, Alfred J., Jr., xxx-xx-xxxx.
Reese, Thomas H., Jr xxx-xx-xxxx.
Reitan, Robert V., xxx-xx-xxxx.
Rhodes, Howard D., xxx-xx-xxxx.
Richards, William G., xxx-xx-xxxx.
Richie, Howard M., xxx-xx-xxxx.
Richter, Francis A. xxx-xx-xxxx.
Riordan, Frank J., Jr. xxx-xx-xxxx.
Roberts, David R., xxx-xx-xxxx.
Robinson, John L. xxx-xx-xxxx.
Rogers, Guy A., xxx-xx-xxxx.
Rogers, Selwyn P., Jr., xxx-xx-xxxx.
Rossini, Martin A., xxx-xx-xxxx.
Rouillard, Irving G. xxx-xx-xxxx.
Rufsvold, Robert M., xxx-xx-xxxx.
Rutledge, Walton A., xxx-xx-xxxx.
Sadler, John A. xxx-xx-xxxx.
Sandoval, Richard R. xxx-xx-xxxx.
Sanger, Marshall xxx-xx-xxxx.
Sargent, Chester C., xxx-xx-xxxx.
Scharth, Otto P., xxx-xx-xxxx.
Schneider, William, xxx-xx-xxxx.
Schulke, Herbert A., xxx-xx-xxxx.
Seaman, Robert W., xxx-xx-xxxx.
Seibert, Richard F., xxx-xx-xxxx.
Senechal, James F., xxx-xx-xxxx.
Serbousek, George xxx-xx-xxxx.
Sherman, Keith xxx-xx-xxxx.
Shoemaker, Robert M., xxx-xx-xxxx.
Shultz, John M., xxx-xx-xxxx.
Simmons, Charles J., xxx-xx-xxxx.
Simpson, Charles M., xxx-xx-xxxx.
Simpson, William C., xxx-xx-xxxx.
Sinclair Christopher xxx-xx-xxxx.
Skemp, Samuel C., Jr., xxx-xx-xxxx.
Slazak, Walter J xxx-xx-xxxx.
Smith, Chester R., xxx-xx-xxxx.
Smith, David H., xxx-xx-xxxx.
Smith, Olin E., xxx-xx-xxxx.
Smith, Paul E., xxx-xx-xxxx.
Smith, Rayburn L., Jr., xxx-xx-xxxx.
Smith, Raymond H., Jr., xxx-xx-xxxx.
Smythe, Harry C., Jr., xxx-xx-xxxx.
Sovern, Charles, xxx-xx-xxxx.

Sparano, James W. xxx-xx-xxxx
Spittler, Charles R. xxx-xx-xxxx
Sproul, Donald N. xxx-xx-xxxx
Stanford, Leslie E. xxx-xx-xxxx
Stannard, John E. xxx-xx-xxxx
Starner, Ralph A. xxx-xx-xxxx
Steen, Kenneth J. xxx-xx-xxxx
Stephens, Travis J. xxx-xx-xxxx
Sterling, John E. xxx-xx-xxxx
Stilo, Frank G. xxx-xx-xxxx
Street, Oliver D., II xxx-xx-xxxx
Streiff, Richard W. xxx-xx-xxxx
Supplee, Charles R. xxx-xx-xxxx
Sutherland, Warren xxx-xx-xxxx
Syverson, Douglas W. xxx-xx-xxxx
Tadich, Dmitri J. xxx-xx-xxxx
Terrell, Harold A., Jr. xxx-xx-xxxx
Thayer, Raymond E. xxx-xx-xxxx
Thomas Eldridge xxx-xx-xxxx
Thomas, James D. xxx-xx-xxxx
Thomes, George E. xxx-xx-xxxx
Thompson, John G. xxx-xx-xxxx
Thouvenelle, Gerald xxx-xx-xxxx
Throckmorton, Elbert xxx-xx-xxxx
Thrush, Francis H. xxx-xx-xxxx
Thurman, John R., III xxx-xx-xxxx
Tixier, Lewis B. xxx-xx-xxxx
Tolar, Robert A. xxx-xx-xxxx
Tooles, John H. xxx-xx-xxxx
Torgerson, Allan C. xxx-xx-xxxx
Torrey, Clarence T. xxx-xx-xxxx
Troxell, Raymond A. xxx-xx-xxxx
Troy, Guy K. xxx-xx-xxxx
Tuck, Richard C. xxx-xx-xxxx
Tucker, Harlan W. xxx-xx-xxxx
Tully, Robert B. xxx-xx-xxxx
Turnmeyer, George E. xxx-xx-xxxx
Tymchak, Michael xxx-xx-xxxx
Uhler, Frederick C. xxx-xx-xxxx
Van Auken, Kenneth xxx-xx-xxxx
Vance, Jasper C., Jr. xxx-xx-xxxx
Vega, Antonio xxx-xx-xxxx
Vetrone, Phillip L. xxx-xx-xxxx
Victor, Alfred H., Jr. xxx-xx-xxxx
Vogelsang, Edward C. xxx-xx-xxxx
Von Der Bruegge, John H., Jr. xxx-xx-xxxx
Walker, Sam S. xxx-xx-xxxx
Wallace, Josiah A., Jr. xxx-xx-xxxx
Wallis, Matthew R. xxx-xx-xxxx
Walsh, Joseph A. xxx-xx-xxxx
Warner, Jack W. xxx-xx-xxxx
Watkins, Norman C. xxx-xx-xxxx
Watson, Charles L. xxx-xx-xxxx
Weaver, Robert K. xxx-xx-xxxx
Webb, George K. xxx-xx-xxxx
Webb, George S., Jr. xxx-xx-xxxx
Webb, Harold J. xxx-xx-xxxx
Webb, Jesse W. xxx-xx-xxxx
Weber, Edwin L., Jr. xxx-xx-xxxx
Weible, Oscar J. xxx-xx-xxxx
Whalen, Thomas F. xxx-xx-xxxx
Whipple, Howard W. xxx-xx-xxxx
Whisler, John L., Sr. xxx-xx-xxxx
Whitaker, Howard K. xxx-xx-xxxx
White, John D. xxx-xx-xxxx
Whitener, William J. xxx-xx-xxxx
Whittington, Jere C. xxx-xx-xxxx
Wieringa, John S., Jr. xxx-xx-xxxx
Wildrick, Richard M. xxx-xx-xxxx
Williams, Charles T. xxx-xx-xxxx
Wilson, Minter L., Jr. xxx-xx-xxxx
Wirrick, James E. xxx-xx-xxxx
Wolfe, Melvin M. xxx-xx-xxxx
Wolff, Herbert Eric xxx-xx-xxxx
Woods, Harris H. xxx-xx-xxxx
Wray, William R. xxx-xx-xxxx
Wright, Charles K. xxx-xx-xxxx
Young, William H. xxx-xx-xxxx
Zerick, Thomas T. xxx-xx-xxxx

CHAPLAIN

To be colonel

Andrews, Joseph R. xxx-xx-xxxx
Foley, John I. xxx-xx-xxxx
Griffin, Johnson L. xxx-xx-xxxx
Heckard, Floyd L. xxx-xx-xxxx
Higgins, William J. xxx-xx-xxxx
Stegman, Leonard F. xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be colonel

Bennett, Judith C. xxx-xx-xxxx
Gray, Dorothy L. xxx-xx-xxxx
Lane Mary C. xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Bancroft, John E. xxx-xx-xxxx
Bethea, William T., Jr. xxx-xx-xxxx
Borski, Anthony A. xxx-xx-xxxx
Bosman, Robert I. xxx-xx-xxxx
Boyson, William A. xxx-xx-xxxx
Bralley, Ernest M., Jr. xxx-xx-xxxx
Bridgeford, Otis E. xxx-xx-xxxx
Busch, Edwin S. xxx-xx-xxxx
Chandler, Eugene F. xxx-xx-xxxx
Cook, Henry M., Jr. xxx-xx-xxxx
Deffer, Philip A. xxx-xx-xxxx
Dimond, Francis C., Jr. xxx-xx-xxxx
Eaves, Charles C. xxx-xx-xxxx
Eberlin, Eugene W. xxx-xx-xxxx
Edwards, David J. xxx-xx-xxxx
Eisen, Bruno xxx-xx-xxxx
Essex, Henry A. xxx-xx-xxxx
Gordon, John N. xxx-xx-xxxx
Green, Robert W. xxx-xx-xxxx
Hamilton, Richard O. xxx-xx-xxxx
Holzworth, Robert H. xxx-xx-xxxx
Hopeman, Alan R. xxx-xx-xxxx
Kolmer, Harold S., Jr. xxx-xx-xxxx
Krakaur, Richard B. xxx-xx-xxxx
Lamson, Thomas H. xxx-xx-xxxx
LeBourdais, Wallace xxx-xx-xxxx
McLeod, Donald G., Jr. xxx-xx-xxxx
Metzger, Joseph F. xxx-xx-xxxx
Moyar, John B. xxx-xx-xxxx
Nelson, Kenwyn G. xxx-xx-xxxx
Otto, Wayne R. xxx-xx-xxxx
Pope, James K. xxx-xx-xxxx
Schwamb, Halbert H. xxx-xx-xxxx
Simmons, John R. xxx-xx-xxxx
Sulak, Michael H. xxx-xx-xxxx
Vineyard, William R. xxx-xx-xxxx
Warren, Williard R. xxx-xx-xxxx

DENTAL CORPS

To be colonel

Bowers, Dale C. xxx-xx-xxxx
Burns, Doyle E. xxx-xx-xxxx
Cassidy, James E. xxx-xx-xxxx
Donahue, James L. xxx-xx-xxxx
Fischer, Willard G. xxx-xx-xxxx
Hamrick, John J. xxx-xx-xxxx
Hill, Ross H. xxx-xx-xxxx
Hobson, Robert W. xxx-xx-xxxx
Hunter, Ernest L. xxx-xx-xxxx
Klevan, Dean C. xxx-xx-xxxx
Nayer, John J. xxx-xx-xxxx
Nealey, Everett T. xxx-xx-xxxx
Sproull, Robert C. xxx-xx-xxxx
Summa, Joseph P. xxx-xx-xxxx
Swisher, Richard E. xxx-xx-xxxx
Turner, Charles E. xxx-xx-xxxx
Van Oyk, Robert F. xxx-xx-xxxx
Vanaman, Nathan E. xxx-xx-xxxx
Wakefield, Walter W. xxx-xx-xxxx
West, Robert H. xxx-xx-xxxx
Woods, Virgil xxx-xx-xxxx
Youmans, Robert D. xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Carter, Leland B. xxx-xx-xxxx
Hughes, George M. xxx-xx-xxxx
Murname, Thomas G., Jr. xxx-xx-xxxx
Quigley, Joseph S. xxx-xx-xxxx
Rothe, William E. xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Brubaker, Luther G. xxx-xx-xxxx
Cennamo, Sebastian xxx-xx-xxxx
Clark, Jack K. xxx-xx-xxxx
Cooney, Henry F. xxx-xx-xxxx
Fisher, Cretin L. xxx-xx-xxxx
Gottry, Samuel M. xxx-xx-xxxx
Grindell, James D. xxx-xx-xxxx
Halladay, Theodore xxx-xx-xxxx
Hesford, Douglas xxx-xx-xxxx
Hunter, Donald H. xxx-xx-xxxx
Kilby, Albert B. xxx-xx-xxxx
Lada, John xxx-xx-xxxx
Ledbetter, William xxx-xx-xxxx
Loyd, Reginald C. xxx-xx-xxxx
Maes, Henry E. xxx-xx-xxxx
Malizia, Walter F. xxx-xx-xxxx
Ostby, Wallace L. xxx-xx-xxxx
Parker, Richard B. xxx-xx-xxxx
Pastore, Joseph A. xxx-xx-xxxx
Roueche, Mossman xxx-xx-xxxx
Turk, Richard P. xxx-xx-xxxx
Wallace, Jack D. xxx-xx-xxxx
Waterfield, William xxx-xx-xxxx
Wheeler, Leigh F., Sr. xxx-xx-xxxx

ARMY NURSE CORPS

To be colonel

Kudletz, Rose M. xxx-xx-xxxx
Smith, Maude M. xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Evanson, Dolores L. xxx-xx-xxxx
Johnson, Fuchsia L. xxx-xx-xxxx
Preston, Mary R. xxx-xx-xxxx

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

Army Promotion List

To be lieutenant colonel

Quigley, Quentin D. xxx-xx-xxxx

Army Promotion List

To be major

Cooper, Frederick E. xxx-xx-xxxx
Loberg, John C. xxx-xx-xxxx
Teed, John F. xxx-xx-xxxx

Army Promotion List

To be captain

Aljets, John W. xxx-xx-xxxx
Battaglioli, Victor xxx-xx-xxxx
Boettcher, Wolfgang xxx-xx-xxxx
Bouault, Louis L. xxx-xx-xxxx
Butler, Eulous S. xxx-xx-xxxx
Chavez, Juan I. xxx-xx-xxxx
Clark, Charles T. xxx-xx-xxxx
Colie, Dennis G. xxx-xx-xxxx
Colliton, Jeffry D. xxx-xx-xxxx
Comiso, Richard xxx-xx-xxxx
Covey, James D. xxx-xx-xxxx
Culver, Lyman C. xxx-xx-xxxx
Dean, John D. xxx-xx-xxxx
Dean, William R. xxx-xx-xxxx
Deutscher, Wayne E. xxx-xx-xxxx
Ecclestone, John S. xxx-xx-xxxx
Fritsche, Donald J. xxx-xx-xxxx
Garrett, Jimmie L. xxx-xx-xxxx
Godfrey, Thomas J. xxx-xx-xxxx
Gramer, Frank E. xxx-xx-xxxx
Heffernan, Walter B. xxx-xx-xxxx
Hendrix, Kenneth N. xxx-xx-xxxx
Higgins, Charles L. xxx-xx-xxxx
Long, Walter M. xxx-xx-xxxx
Marcinkowski, Garrett xxx-xx-xxxx
Minetree, James L. xxx-xx-xxxx
Moscrip, John Jr. xxx-xx-xxxx
Paine, Charles D. xxx-xx-xxxx
Parish, James H. xxx-xx-xxxx
Renaud, Kenneth L. xxx-xx-xxxx
Retterer, John M. xxx-xx-xxxx
Robillard, Robert J. xxx-xx-xxxx
Rosler, Edward F. xxx-xx-xxxx
Shaw, Delbert W. xxx-xx-xxxx
Smith, William C. xxx-xx-xxxx
Spencer, William A. xxx-xx-xxxx
Strunck, William G. xxx-xx-xxxx
Thomason, Jeffrey H. xxx-xx-xxxx
Viduya, Robert C. xxx-xx-xxxx
Waits, Charles M. xxx-xx-xxxx
Yoblonski, Leonard xxx-xx-xxxx

CHAPLAIN

To be captain

Hilliard, Henry C. xxx-xx-xxxx

MEDICAL CORPS

To be captain

Pedersen, Paul R. xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be captain

Bateman, Robert M. xxx-xx-xxxx
Rosenberg, Leroy J. xxx-xx-xxxx