a phone call to the proper authority. Second, test cases brought by LSP lawyers have resulted in the expansion of such previously narrow areas as landlords-tenant law, welfare law, public interest law, the administration of food programs. Third, the program has developed new kinds of legal forums for the resolution of disputes outside the courts—to lighten the strain on an already overburdened court system.

The program has not been without failures, nor has it lacked critics. Regarding the latter, however, it has had the right kind of critics—like Sen. George Murphy and Gov. Ronald Reagan of California. They have repeatedly tried to undermine legal services lawyers, but their bumbling efforts have usually led nowhere. Elsewhere, the governor of Missouri recently vetoed two LSP projects in his state; but his veto was overridden by OEO director Donald Rumsfeld, who stood by the poverty lawyers in the field.

One reason the Legal Services Program has the backing of both liberals and conservatives in the organized bar is the awareness that law is above partisan ideologies. Contrary to the rantings of some current "revolutionaries," the system can be changed, the overthrow of injustice can be orderly and the law can be converted from an enemy to an ally.

The same law theoretically applies to everyone, and there is no reason that an impoverished inner city client should not receive the same first class service and intelligence that is available to others. Increasingly, such service and intelligence are being provided: in thousands of cases, the practice of poverty law has proved to be anything but poor law.

ATTORNEYS FOR THE POOR

In what was once regarded as a citadel of rigidity, there are new stirrings on behalf of the legally deprived in the United States. At the annual meeting of the American Bar Association in St. Louis, the fifth anniversary of the Office of Economic Opportunity's legal services program as well as the fiftieth anniversary of the National Legal Aid and Defender Association are being celebrated today. The fact that the A.B.A. is choosing to honor these lawyers and programs for the poor is a symbol of their acceptance in the courts.

Nearly 2,000 attorneys now work in 850 neighborhood law offices in hundreds of communities. They are representing people as clients, not simply as charity cases; in the process these dedicated young lawyers are making legal history in many fields affecting the most disadvantaged of Americans. So well have these O.E.O. attorneys performed that, paradoxically, the big city law firms have had a hard time competing for the talents of top graduates who often choose to enter the less remunerative field of antipoverty law and legal-defender representation.

In the course of serving nearly a million clients, the O.E.O. attorneys have won important judicial decisions protecting and broadening the rights of tenants, consumers, food-stamp users, migrant workers and families on welfare.

The O.E.O. legal services program was funded for $54 million this year; $61 million is proposed for fiscal 1971. At least this amount is necessary to expand the services of the nation's biggest legal bargain—the talents of its finest young attorneys working for the poor.

SENATE—*Thursday, August 20, 1970*

The Senate met at 9:30 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Most Reverend Edward J. Herrmann, vicar general, Archdiocese of Washington, Washington, D.C., offered the following prayer:

O Lord, provident master of all things, You who have said through the mouth of the psalmist "Unless the Lord build the house, they labor in vain who build it"—Psalm 127: 1—we come to Thee at the opening of another session of this Senate to seek Thy divine assistance. In these halls some of the most important decisions which affect this Nation are made. The social and economic well being of other nations is also under their careful and fraternal interest. Grant that each and every action which finds its origin in this Chamber may be a reflection of Your divine love and in some way a participation of Your good providence.

May their efforts here establish a political, social, and economic order which will serve all men and individuals, and assist here and abroad to affirm and develop the dignity proper to them.

May all their actions be in harmony with Your divine knowledge so that as this Nation prospers and the individual citizen participates in the affairs of government through them, peace, justice, sincerity, and true charity may prevail and that all will redound to Your honor and glory and for the good of mankind. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 20, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 18, 1970, the President had approved and signed the following acts:

S. 1703. An act for the relief of Rosa Pintabona;

S. 1704. An act for the relief of Lillian Biazzo;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2484. An act to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas,

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney; and

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of Edward E. David, Jr., of New Jersey, to be Director of the Office of Science and Technology, which was referred to the Committee on Labor and Public Welfare.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 19, 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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 1138, 1139, and 1141.

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

U.S. DISTRICT COURT FOR THE WESTERN DIVISION, SOUTHERN DISTRICT OF MISSISSIPPI, AT NATCHEZ

The bill (S. 3225) to provide that the U.S. District Court for the Western Division of the Southern District of Mississippi shall be held at Natchez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 104(b)(3) of title 28, United States Code, is amended to read as follows: "Court for the western division

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shall be held at Natchez and Vicksburg: *Provided*, That court shall be held at Natchez if suitable quarters and accommodations are furnished at no cost to the United States."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1126), explaining the purposes of the measure.

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

STATEMENT

The purpose of S. 3225 is to enable the District Court for the Western Division of the Southern District of Mississippi to hold court at Natchez, Miss., provided that the holding of court at Natchez be at no cost to the United States. Natchez is an industrial center with a very active bar generating a substantial amount of Federal litigation. Moreover, local facilities are available at which court could be held without expense to the Federal Government.

Your committee believes that the District Court for the Southern District of Mississippi should be authorized to sit in Natchez when it determines that the litigation generated from that geographical area so warrants.

The Judicial Conference of the United States at its meeting on March 16–17, 1970, considered the provisions contained in S. 3225, and voted approval thereof with the proviso that the holding of court at Natchez be at no cost to the United States.

Attached hereto and made a part of this report is a letter to the chairman from the Acting Director of the Administrative Office of the United States Courts.

CHOCTAW INDIAN TRIBE

The bill (H.R. 15866) to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1127), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 15866 is to repeal a 1959 statute which directed the Secretary of the Interior to complete the action authorized by a 1906 statute entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes." The committee also considered a companion bill, S. 3445, introduced by Senators Harris and Bellmon of Oklahoma.

NEED

The 1959 statute directed the Secretary to complete this action by disposing of the few remaining tribal assets; and by conveying to a tribal corporation organized under State law any tribal assets which the tribe wants to retain. A per capita distribution of any tribal funds was already authorized by the 1906 act.

The 1959 statute did not affect the trust status of lands allotted to individual members of the tribe, but it did provide for a termination of all special relationships between the United States and the tribe as a governmental entity.

Numerous problems arose in carrying out the provisions of the 1959 statute, which directed that the statute should be fully executed within 3 years or as soon thereafter as practicable. This time requirement was extended by Congress three times to the present date of August 25, 1970.

The problems encountered revolved principally around clearing land titles and finding able and willing buyers for the tribal lands. In addition, some Federal programs initiated during recent years require continued Federal recognition of the tribal entity in order for the tribe to participate. Finally, there has been a change of sentiment within the tribe and within the Department of the Interior regarding the wisdom of terminating all special relationships between the Federal Government and the tribe.

Enactment of the bill is justified, the committee believes, on the grounds that (1) it has been difficult to clear title to tribal lands and dispose of them, (2) there is no need to proceed with the process rapidly, (3) dissolution of the tribal government at this time is not necessary for the accomplishment of any current Federal policy, (4) retention of the tribal government is desired by the Indians and will facilitate participation in some Federal programs, (5) if the 1959 statute were not repealed it would need to be amended in some particulars, (6) repeal of the 1959 statute will contribute to the economic betterment of the tribe and its members, and (7) under the language of the bill any possible rights vested under the 1959 statute would not be impaired.

The committee does not regard the enactment of this bill, before the termination of the Choctaw tribal government is an accomplished fact, as any precedent for reestablishing a tribal government that has already been terminated.

COST

Enactment of H.R. 15866 will require no Federal appropriation.

NATIONAL MACHINE TOOL WEEK

The joint resolution (H.J. Res. 1194) to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week," was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Senator from New Hampshire (Mr. MCINTYRE) is recognized for not to exceed 20 minutes.

WILL ELK HILLS BECOME AS INFAMOUS AS TEAPOT DOME?

Mr. MCINTYRE. Mr. President, on June 11 of this year, the Department of the Interior sent a message to the Congress proposing that oil be pumped from the Elk Hills Naval Petroleum Reserve in order to compensate some, though not all, of the oil companies holding drilling leases in the Santa Barbara Channel.

It is not my intent here today to question the merit of that part of the Interior Department's proposal dealing with the compensation of the larger companies polluting the Santa Barbara Channel.

I do intend to question, however, the recommendation that the Elk Hill Reserve be invaded for a purpose not related to the national security, the methods by which this recommendation has been handled, and the implications of this proposal in light of the announcement earlier this week that the administration will not seek a structural change in the present oil import quota system.

ELK HILLS AND NATIONAL SECURITY

The Elk Hills Naval Petroleum Reserve consists of the second largest proved oil field in the United States, one of the 20 largest oil fields in the world, and a field which has been maintained as a national security petroleum reserve for half a century. Let me make this clear: Although Elk Hills is administered by the Navy, it serves as a total national defense reserve for the needs of all of the armed services and related industry. It is thus vitally essential to our overall strategic needs for petroleum sufficiency.

Let me point out just one of those strategic needs. At present, the U.S. Pacific Fleet receives the majority of its fuel from the Middle East. If, for any reason at all, those supplies were to be cut off, the fleet would look to the U.S. west coast for the fuel to keep ships in operation. The west coast is a crude oil deficient area. It does not produce enough crude oil to meet its own needs, let alone to meet the needs of the fleet. Elk Hills provides the only source of crude oil on the west coast immediately available to the Navy.

It was thus with some surprise that I recently learned of the Interior proposal to turn a portion of Elk Hills over to a small group of major oil companies. The strategic importance and requirement for the preservation of as much of Elk Hills as possible for national security needs are clear, so clear that I am absolutely amazed that this proposal is getting serious consideration.

But, Mr. President, perhaps I should not have been so surprised. Side by side with decades of national reliance upon the naval petroleum reserves, there has been a history of attempts by private companies to rape those reserves for their own gain. The most famous of such attempts was the attempt to raid Naval Petroleum Reserve No. 3, located at Teapot Dome, Wyo.

In 1921, President Harding, with the approval of Secretary of the Navy Denby, transferred the administration of the naval reserves at Teapot Dome and Elk Hills to Secretary of the Interior Albert B. Fall.

In 1922, the Department of the Interior leased the reserves at Teapot Dome to Harry F. Sinclair and the reserves at Elk Tills to Edward L. Doheny.

As a result of a Senate investigation under the chairmanship of Senator Thomas J. Walsh, of Montana, an extensive network of corruption was revealed at the foundation of these transfers. Doheny, for example, had made an unsecured interest-free loan of $100,000 to the Secretary of the Interior. The Secretary of the Interior had also received a $25,000 gift from Sinclair.

Secretary of the Interior Fall was ultimately convicted of bribery and sentenced to prison.

Today, I am happy to say, outright gifts from oil operators to high Government officials are no longer the normal way of doing business with the Federal

Government, though, of course, the penetrating articles by the Washington Post's Bernard Nossiter have revealed some disturbing latter day instances of these practices. Nevertheless, they have generally been replaced by the equally corrupting, though apparently somewhat more legal use of massive campaign contributions to the party in control of the White House.

But the aims remain the same—to gain access to these vast public reserves for private gain.

PROCEDURAL PROBLEMS OF THE INTERIOR PROPOSAL

After the sorry revelations of the Teapot Dome scandal had burst into public light, a number of steps were taken to protect the integrity of the naval reserves to avoid any further repetition.

One basic procedural requirement was to have a salutary effect, as long as it was observed. Under this procedure, found in 10 U.S.C. 7431, the Secretary of the Navy is required to consult with the Armed Services Committees of both the Senate and the House before agreeing to give up a single drop of oil for any purpose other than the national defense.

The Secretary of the Navy has not consulted with the Senate Armed Services Committee about this proposal to open the Elk Hills Naval Reserve.

Instead, the proposal to diminish our national security reserves was quietly steered to the Senate Committee on Interior and Insular Affairs. That committee is made up of many of the most honorable and distinguished members of the Senate, but their primary concern is logically directed to those provisions of the proposal dealing with the mess in Santa Barbara. Indeed, at the hearings held by the Interior Committee, not a single question was raised concerning the damaging impact on the national security which would occur if naval petroleum reserves were to be applied to nondefense purposes.

And up to this time the Secretary of the Navy has not complied with the requirements of the United States Code that he consult with the Senate Committee on Armed Services, a committee which has justifiably earned its reputation as a watchdog over our national security needs.

Indeed, Mr. President, the parallel between Teapot Dome of the twenties and Elk Hills of today grows more and more disturbing. One might think that the Department of the Navy, which this very month celebrates the 25th anniversary of its victory at sea in the Pacific, may be going down to defeat under the assault of a small group of powerful oil companies.

Perhaps, Mr. President, the Navy of today, like the Navy under the Harding administration, is simply unaware of what is being done to it. But I think that an unlikely explanation. Is it not more likely that the Navy has been told to remain quiet?

Now I have always been a strong supporter of the principle of civilian control over the military. But that civilian control must come from elected officials representing the will of the people. It must not come from corporate officials exercising the power of campaign contributions and corrupting influence in order to increase their profits at the expense of the national security.

Mr. President, in view of the implications of the proposal of the Department of the Interior and the procedures under which that proposal has been handled, I have requested that the chairman of the Senate Committee on Armed Services convene hearings, as promptly as possible, to consider the national security implications involved.

I have great confidence in the integrity and judgment of the Senator from Mississippi who heads the Committee on Armed Services, a confidence which is shared by every Member of this body. I am content to let him be the judge of the prompt need for a full and frank airing of the Navy's position.

RELATIONSHIP TO OIL IMPORT PROGRAM

One of the strangest and most confusing aspects of the Interior Department's proposal for Elk Hills is the lack of any consistency between that position and the position normally taken by the Interior Department and the industry. That position holds that our national security needs for oil reserves are so great as to require a $5 billion per year import subsidy for the oil industry.

For the past few years we have been hearing, on an almost daily basis, that our national security depends on a fragile interruptible, undependable supply of crude oil. But now we are told that Elk Hills, the largest, most efficient reserve of oil that we have, a reserve already earmarked for national defense needs, may be used for other purposes.

Mr. President, if we can give a portion of Elk Hills away, then we have no further need for the import quota system that the oil industry tells us is indispensable to national security.

Indeed, it seems, Mr. President, that the phrase "national security" is a very slippery phrase indeed in the mouths of the apologists for the oil industry. When their profits and campaign contributions must be expanded, they say that the "national security" requires an expensive subsidy program to build up new domestic reserves. But when they finally get a chance to use those reserves for other than defense purposes, then the "national security" fades into the background. It is a sorry day for the people of the United States, when a single industry can dictate the defense policies of the Nation for its own profit.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is to be recognized at this time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that this be without prejudice to the time allotted to the able Senator from Ohio under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. At this time, the Chair, in accordance with the previous order, recognizes the Senator from Ohio (Mr. YOUNG) for not to exceed 20 minutes.

MURDER COMMITTED ON KENT STATE CAMPUS BY OHIO NATIONAL GUARDSMEN

Mr. YOUNG of Ohio. Mr. President, Allison Krause, daughter of Mr. and Mrs. Arthur Krause, 2010 Garrick Drive, Pittsburgh, Pa., a student at Kent State University and a very lovely young girl, was one of the four students, two boys and two girls, who were murdered on the campus of Kent State University at about 12:22 p.m. on a beautiful sunshiny day, Monday, May 4, 1970, at a time when the university was fully functioning and when classes were being held.

Allison was 19 years of age. On the afternoon of the day before she was murdered she walked up to a National Guardsman, spoke gently to him and put a flower in his gun barrel saying to him "Flowers are better than bullets."

On Monday afternoon at the moment she was struck down and killed she was a distance of about 450 feet from the nearest National Guardsman. The Akron Beacon Journal of May 24 reported:

> Alone of the four dead students, much of the bullet that struck Allison remained within her body. According to Dr. Robert S. Glasgow, the pathologist who performed the autopsy, the bullet fragmented into at least four pieces as it tore through her left lower lung, spleen, stomach, duodenum, liver and vena cava, the large vein leading to the heart.

It is evident that the National Guardsmen guilty of shooting to kill these unarmed students had been permitted by their officers to have their M–1 combat rifles loaded with live ammunition. Governor Rhodes and Adjutant General Del Corso must bear their share of the blame for this, and it is a huge share indeed. Furthermore, such unnecessary force is compounded by the evidence that some of the National Guardsmen "doctored" their regulation ammunition or had adopted a form of dumdum bullet which expands or shatters upon striking the victim. The effect of this shattering is comparable to an explosive charge going off inside the victim's body. From the description of the massive internal damage sustained by Allison Krause the bullet that entered her body had been "doctored" by the guardsman who did the shooting.

At about the same time Thomas Grace, a student from Syracuse, N.Y., suffered a bullet wound in the side of his leg close to the ankle and that bullet penetrated downward to the ankle and exploded or shattered there. This inflicted a very severe wound and permanent disability.

Robert Stamps of Cleveland who was seriously wounded by a rifle bullet was 610 feet away from the frontline of the National Guard. This is approximately the distance of two football fields. He was struck in the rear by a bullet entering

his buttocks, missing his spinal column by approximately an inch or an inch and a half and emerging from the front part of his body. He is still disabled and under treatment.

Mr. President, in an attempt to justify these murders, Adj. Gen. Sylvester Del Corso made a number of false claims. One utterly untruthful statement he made was that a sniper fired at National Guardsmen from a rooftop. All evidence was to the contrary. For example, seven helicopters of the Ohio State Highway Patrol were flying back and forth over the university buildings and commons throughout the entire day of May 4, 1970, right up to the time of the shooting and killing, and all these pilots reported there was no sniper on any rooftop or firing from any window. Del Corso later reversed himself and said there was no sniper fire at the guardsmen. His allegations that guardsmen fired in self-defense have been proven fantastically false by the findings of the FBI. Their report to the Department of Justice following a thorough investigation by approximately 100 FBI agents covering a period of about 2 weeks directly proved the falsity of Del Corso's allegation, as did the statements and conclusions of seven investigative reporters who spent 2 weeks interviewing witnesses.

Adjutant General Del Corso should apologize for his untruthful allegations and resign forthwith from the political job he now holds.

President Robert I. White testified yesterday, Wednesday, August 19, before the President's Commission on Campus Unrest that he never requested Gov. James A. Rhodes to send National Guardsmen onto the campus of his university. Indeed, it is a matter for amazement that Governor Rhodes called out some 600 National Guardsmen for alleged riot control duty at Kent State University in the absence of any request from the president of that university.

Furthermore, Governor Rhodes and his political appointee, Adjutant General Del Corso, have a tremendously heavy burden to bear in that they, on their own, called to serve on the campus at Kent State University tired and wornout National Guardsmen who had, from April 29 to the evening of May 2, lost sleep and sustained injuries in Cleveland, having been called there by Governor Rhodes at the request of Cleveland city officials to restore order from a chaotic situation which had developed during a wildcat strike between truckers and conflicting elements of the Teamsters Union. There had been shootings and brutal assaults. Truck drivers had been pulled from their trucks and beaten. Their trucks had been burned and overturned. All this strife continued night and day from the time the guardsmen commenced their duties in Cleveland on April 29 until Saturday evening, May 2 when the wildcat strike ended. Then this particular sleepless, battered and wornout contingent of guardsmen were ordered that Saturday night to go immediately to Kent State University.

This, despite the fact that in nearby cities such as Warren in adjoining Trumbull County and in Youngstown in adjoining Mahoning County, there were National Guard military police units trained in riot control who had not been called on by Governor Rhodes for any service.

In addition, Governor Rhodes and his political appointee, Adjutant General Del Corso, have a tremendously heavy burden to bear in that the National Guardsmen ordered to Kent State University were furnished with, and permitted to have in their rifles, live ammunition.

ADMINISTRATION LEADER HEDGES ON TROOP WITHDRAWAL

Mr. YOUNG of Ohio. Mr. President, Secretary of State Rogers stated in a recent press conference:

> I said we'd get our troops out of combat in South Vietnam. Now, we have made it clear all the time that there will have to be some combat troops remaining to function with the support of elements that are left, but the objective is to get American troops out of the combat role in about a year. . . .

The following question and answer period then ensued:

> Question. Mr. Secretary, on this mid-1971 target date for getting out of combat, as I understand it that would leave 250,000, roughly, of American troops in South Vietnam.
>
> Answer. It might be a little bit more than that. I'm not sure. I think the mathematics are something like 280,000 or 275,000, something like that.
>
> Question. What's the target date for getting all out? That's what the young people are asking now.
>
> Answer. Well, we haven't announced any target date for that. . . .

Then the Secretary disclosed that the Nixon administration will not bring the boys home next year.

He said:

> Question. Mr. Secretary, can you state with fair confidence, or good confidence, that American troops will continue to be withdrawn from South Vietnam after 1971?
>
> Answer. I don't want to comment on what is going to happen after 1971.

Mr. President, in 1968 in New Hampshire and elsewhere during the presidential campaign, Richard Nixon stated he had a secret plan to end the war in Vietnam. Now, almost 2 years later, that plan is still his secret. However, his Secretary of State makes no secret of the fact that at least 275,000 young American servicemen will still be in Vietnam in mid-1971. Even more tragic, the top cabinet official of the Nixon administration, Secretary Rogers, cannot state with any confidence whatever that troop withdrawals will continue after 1971. How long will this madness continue?

Instead of an involvement in a civil war in Vietnam American GI's and airmen are now waging an expanded war in Laos, Cambodia, and Thailand, and Americans are now being killed in combat in these countries. Also, mercenaries maintained by billions of dollars of our taxpayers' money, directed by our generals and CIA, are fighting in increasing numbers and Nixon administration leaders now term this the Indochinese war.

THE OIL LOBBY IN ACTION

Mr. YOUNG of Ohio. Mr. President, over the years, a number of Senators, newsmen, and other interested observers have speculated on the ways that the powerful oil industry seems to always be able to take care of itself in the councils of government at the public's expense.

Last month, the public received a rare glimpse into the ways that the oil lobby actually works. The Oil Daily of July 27, 1970, in its regular column, "Petty's Oil Letter," reminded the industry of its source of power. According to this column in the Oil Daily:

> We would suggest that if they (oilmen) make contributions to political office-seekers—as many do—they should urge, if not insist, that if their candidate is elected he will at least give the oil industry the full-time active support which it deserves in the politician's home state, and will put on his staff men who have the oil facts and are ready to help the senator or congressman debate, quickly and fully, with those who can find little, if anything, good about the oil industry.

Mr. President, this is an unusually frank statement from the oil industry to its members, frank in that the Oil Daily is publicly admitting that the oil industry uses its campaign contributions to obtain leverage on high public officials. I feel that the general public ought to become familiar with this article, so I ask unanimous consent to have it printed at this point in the RECORD.

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

PETTY'S OIL LETTER

WASHINGTON, D.C.,
July 25, 1970.

DEAR SIR: There's no substitute for an executive, or a politician, doing his own home work on issues, rather than relying on outside help when he gets in a bind. The man who commands the facts, and can interpret them simply but effectively, has a big head-start on those who debate with him.

This goes double for Washington politicians and the oil industry on Capitol Hill. The truth is that today oilmen have no steadfast champion on Capitol Hill—unless it is Sen. Cliff Hansen, R-Wyo., former governor of his state, former chairman of the Interstate Oil Compact Commission and a man with a sensitive realization of how important oil development is to his state—ranking among the top five oil producers in the nation.

Hansen is articulate on oil issues, ever ready with the rejoinder to oil's attackers in the Senate, and, perhaps more important, personally convinced that Oil is too important to the nation for the raw deal it has been receiving, politically, over the past couple of years.

The trouble is that there are too few Hansens in the Senate, or the House. While there are many members of both houses from oil states, they seem to take oil issues for granted, supine in the feeling that it does no good to debate oil issues with their critics, or, simply, that the issues will just blow away and the status quo will remain.

But, that's not how it has been for the last 18 months under the Nixon Administration—an administration, ironically, which was believed to have had a sharper appreciation for the importance of energy to the American economy and the role which the petroleum industry plays in meeting energy needs.

One reason Hansen has become the most

vocal and articulate champion of the industry in the Senate—for outshining the senators from Texas, Oklahoma, Kansas or other big oil states—is that he has a man on his staff who knows the industry, is able to gather the facts quickly and accurately and keeps the senator posted on all the big oil issues and each development as it occurs.

This is what every other oil-state senator and congressman should have on his staff, too. But, with startling rarity, few do. Some, like George Bush, R.-Tex. running for the Senate this year, need no oil "expert" to advise them because they are oilmen themselves. But far too many oil-staters on the Hill, with no personal experience in the petroleum industry, have been coasting too long on the big oil issues.

True, they are ready to make a speech on the Senate floor, once in a while, or speak to an oil meeting, but their interests appear heavily weighted in other directions—perhaps because of the lofty heights of greater political rewards they can see in the distance, which they believe far transcend parochial or sectional support for the industries in their states.

On the other hand, Oil's opponents have become much more sophisticated on oil issues in the last few years, with men on their staffs who are young, bright and dedicated, who are able to put to the greatest possible advantage for their senators or congressmen the real or imagined weaknesses of the petroleum industry. And, Oil's opponents have an easier job of it—they can make one charge after another, never waiting for the answer to the first charge. And, it is always easier to make a charge than to prove it is wrong.

We assume that oilmen, like all other citizens, work for, or at least vote for, the men of their choice who are running for political office in Washington. We would suggest that if they make contributions to political office-seekers—as many do—they should urge, if not insist, that if their candidate is successful he will at least give the petroleum industry the full-time, active support which it deserves in the politician's home state, and will put on his staff men who have the oil facts and are ready to help the senator or congressmen debate, quickly and fully, with those who can find little, if anything, good about the oil industry. And, it wouldn't hurt if the senator or congressman did a little homework himself, ready to speak from personal conviction on the issues, as they develop. The stakes are too high to accept any less of a man in Congress from the big oil states. The next big battle could come from those who see the petroleum industry ripe for full federal control—as a "public utility"—in the U.S.

Very truly yours,

JAMES M. COLLINS.

A NONVOTING DELEGATE FOR THE DISTRICT OF COLUMBIA

Mr. YOUNG of Ohio. Mr. President, Calendar No. 1134 has been on the calendar for a number of days. This is an act to establish a commission on the organization of the government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia.

If a majority of the Members of the House of Representatives really want a nonvoting delegate for the District of Columbia in that body, as a humble Senator, the senior Senator from the State of Ohio, I have no objection. I have no voice in what they may do in the other body. But this measure is on the Senate Calendar, and I wish to speak briefly on the entire matter.

Mr. President, this is a fantastic amendment—in my judgment, an unthinkable amendment—yet it is likely to be offered here and would provide a nonvoting Delegate for the District of Columbia. Let us consider that very briefly.

Other Senators and I are confronted with the predicament of a lack of office space. Allowing for a nonvoting Delegate from the District of Columbia would involve more office space and an unnecessary waste of taxpayers' money for the salaries of the nonvoting Delegate and all the members of his staff. Indeed, this would involve the expenditure of many thousands of dollars every year for a clerk hire allowance and maintenance of an office suite and equipment for the Delegate and his staff.

The patriots who drafted the Constitution of our country drafted a wonderful document, to which we should pay attention. The very first section of the Constitution deals with the legislative branch of the Government. They wanted three equal, coordinate branches of our Federal Government, which we have had for nearly 200 years, but they placed first in the Constitution the provision relating to legislation and to the Congress, article I, section 8 of the Constitution states:

> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square)—

Mind you, Mr. President, not a State but a little district—

> as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And
>
> To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Thus the District of Columbia was created, not to exceed 10 miles square, as provided in the Constitution.

Let us now consider the facts, when they talk about two Senators and one Representative from the District of Columbia, or talk about a nonvoting Delegate. In 1968, in the District of Columbia, there were nearly 828,000 residents. That number has now decreased.

On July 1, 1969, the Census Bureau estimated there were 798,000 persons living in the District of Columbia.

An estimate furnished me by the Census Bureau recently shows that the number of persons now living in the District of Columbia will be considerably under the estimated 798,000 of 1969.

It seems fantastic that anyone would consider a nonvoting Delegate to represent that number when we have in both the Senate and the House the District of Columbia Committee. Fine committees, with dedicated and knowledgeable Senators and Congressmen working with fidelity and zeal to improve conditions in the District of Columbia. Indeed, a valid argument against a nonvoting Delegate in the House is that it would involve duplicating the very effective work of the House Committee on the District of Columbia.

A nonvoting Delegate is not needed in either branch of Congress. I want to say now, Mr. President, that I will oppose to the utmost of my ability and energy any such proposal.

I may not have anything to brag about when it comes to ability, but when it comes to energy I know that the Presiding Officer, the distinguished Senator from Alabama (Mr. ALLEN), who is my personal friend, will agree with me that when I say I am going to dedicate all the energy I possess in opposition to any proposed constitutional amendment to give two Senators and one Representative to the Congress for this Federal district, this Federal city, which gets so much from the Senate, I may have something to offer.

Very definitely I am unalterably opposed to any constitutional amendment that may be offered to give the District of Columbia a nonvoting Delegate in the Senate or to give valuable space to a large staff that would have very little to do and could not accomplish as much for the people of the District of Columbia as the Senate has already done over the years, and is now doing in the fine District of Columbia Committee.

We should let well enough alone and not fall for these fantastic ideas being urged on us by some ambitious politicians living in the District of Columbia.

Mr. President, I yield the floor.

HANOI'S BLACKMAIL

Mr. PERCY. Mr. President, the word "blackmail" has an ominous sound about it. It was originally used to describe the practice of Scottish bandits who demanded a tribute from travelers wishing to proceed safely. Since then, it has been applied to all manner of coercion. It has been variously called black rent, Danegeld, and blood money. It is universally recognized as one of the lowest forms of intimidation.

The North Vietnamese are callous extortionists. They currently hold an undisclosed number of Americans captive, hoping to ransom our men for military and political advantage.

It has been 6 years since they first adopted this practice. Six years of frustration, pain, and degradation for our men; but no benefit to their captors.

Hanoi should realize by now we will not negotiate out of fear; we will not capitulate in the face of criminal acts.

Our refusal to pay ransom does not stem from any lack of compassion for our men. We keep faith in them and daily pray for their safe return. But we also remind ourselves of words once spoken by a great poet:

> We never pay anyone Danegeld,
> No matter how trifling the cost.
> For the name of that game is oppression and shame,
> And the nation that plays it is lost.

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the Senator from New York (Mr. JAVITS) is now recognized for 15 minutes.

U.S. STATEMENT ON MIDEAST CEASE-FIRE VIOLATIONS

Mr. JAVITS. Mr. President, I have asked for this time this morning in order to make a brief statement respecting the situation of the cease-fire standstill in the Middle East and the reaction yesterday of the Secretary of State on that score.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement of the Secretary of State.

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

AUGUST 19, 1970.

We have concluded that there was some forward deployment of surface to air missiles into and within the zone west of the Suez Canal around the time the cease-fire went into effect: there is some evidence that this continued beyond the cease-fire deadline although our evidence of this is not conclusive.

With respect to additional information which the Israeli Government has brought to our attention concerning possible violations of the cease-fire, we will examine it and be in touch with Israel through diplomatic channels. We do not now anticipate making further public statements on this matter.

Adherence to the cease-fire and standstill is of great importance to the success of current peace efforts. The main thing now is to concentrate all efforts on getting discussions going under Ambassador Jarring's auspices. The United States believes that these talks should begin promptly.

Mr. JAVITS. Mr. President, the fragility and continuing danger of the situation in the Mideast have been underscored by the developments relating to violation of the cease-fire standstill agreement. Yesterday's statement of the Secretary of State, while conceding the basic question of a violation, concludes that calling off the peace talks is not warranted. We expect that the flow of needed military equipment to Israel will continue. This is an indispensible element in the situation and for the prospects for peace, given the factors on the Arab and Soviet side.

The President's words in announcing the historic new U.S. Mideast policy on July 1, must be borne constantly in mind. He said:

Once the balance of power shifts where Israel is weaker than its neighbors, there will be war.

The President's statement emphasized the new dimension of the Mideast struggle in these words:

It is not just a case of . . . Israel versus the Arab States, but the Soviet Union is now moving into the eastern Mediterranean.

Seventy-one Senators have assured the President of their support for his "clearly expressed policy on the part of the United States to protect and defend its interest in the Middle East."

Mr. President, the euphoria of people about the Mideast, if it ever existed, was certainly shattered by the events of the last few days. Indeed, euphoria over Mideast peace prospect is far from warranted, as demonstrated by the standstill violations which have already occurred. Vigilance and determination are very much demanded.

The basic consideration is that the Soviet Union and the United States both have far too much at stake in avoiding a resumption of war in the Mideast to condone violations of the cease-fire and standstill.

The Soviet Union can jeopardize the cease-fire and standstill by tolerating any violation by Egypt, thus providing that Egypt cannot be relied on, and freeing Israel of any obligations to keep the cease-fire and standstill.

The United States through its bold and brilliant initiative in proposing the cease-fire and standstill, has a moral responsibility to withdraw its sponsorship of it if it is going to be violated or undermined, thereby putting Israel in grave jeopardy. Israel's participation in the cease-fire and standstill and in the impending peace talks was gained only after the most solemn assurances that the United Arab Republic's undermining of the cease-fire and standstill would not be tolerated.

Indeed all should understand very clearly that Israel's very existence and the life of its people are at stake. Its statesmen have said as much in recent days. Israel must necessarily be highly sensitive to any breach or threatened breach of the cease-fire and standstill. The Secretary of State's statement obviously and, probably wittingly, plays down the issue. Nonetheless, even that statement gives a clear though implied warning that "adherence to the cease-fire, and standstill is of great importance to the success of current peace efforts."

These incidents emphasize how critical it is that the Soviet Union and the United Arab Republic feel themselves committed in good faith to honoring the cease-fire and standstill. If they do not, it could dash all hopes we have for Mideast peace; and it is hard to believe that the Soviet Union would want to be responsible for such dire consequences. The peace talks should go forward as the Secretary of State asks.

The United States should make it clear to Israel that we would have no hesitation if further violations continue, to agree to a discontinuation of the cease-fire and standstill, as we are the ones who created it in pursuance of our responsibility in undertaking negotiations.

We should express the hope that the United States has a very clear duty not to hold back now in terms of supplying Israel with the military equipment, including aircraft, parts, electronics, and so forth, which it needs in order to maintain its balance of force, which the President himself spoke about on July 1.

I have the deepest confidence that the President understands this matter and will follow through on this. But the support of 71 Senators is indispensable to that effort.

My purpose in speaking today is so that my colleagues may maintain their interest which is so essential in the giving of their support without which, in my judgment, it would be very difficult to move forward.

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

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I would like to say that we are fortunate indeed to have in this body, the senior Senator from New York, a Senator who has such expertise in this particular area of the world because I think that peace and stability in that area depends on such vigilance.

Obviously not only the people of Israel, but also the people of Arab nations want peace and security. They have seen the utter futility of years of warfare which has certainly not benefited any of the people of that area.

I would like to commend the administration for the initiative it has taken and for the cautiously conservative optimistic outlook we can now have, in our expectations that peace can be brought about through negotiations.

For the most part, the end of conflicts throughout history has been brought about only through surrender of one side or through negotiations.

There is going to be no surrender here. There will have to be a negotiated settlement.

The Nixon administration should be commended for its creativity and initiative in this respect.

I feel that we must now make certain that the integrity of each side is maintained. All parties must recognize that they would bring about a destruction of what is now a very hopeful outlook for peace if the cease-fire is broken.

I would like to ask one question of the distinguished Senator. I do not think we have any chance of having our peace objective reached if there is not a national interest to be served by the various parties involved. The various parties involved are the State of Israel, the Arab nations, and the Soviet Union, as well as ourselves, because the latter are both involved in supplying equipment.

When we see that the action of the commandos—the Fedayeen and others—could carry them and force them into a position where it would jeopardize the stability of the Arab Nations themselves and pull the Soviet Union into a situation beyond their control, is there not a national interest, therefore, to be served for all parties, including the governments of the Arab States, as well as the Soviet Union, to have the cease-fire scrupulously observed and have negotiations begin and get underway in a serious manner?

Mr. JAVITS. I thoroughly agree with everything the Senator said about the desirability of peace for the Arab States

themselves. I have striven for that all of my public life, and I will continue to do so.

My words today are only designed to see that there is a peace negotiation that is meaningful, that it is a true peace and not a prelude to further war. Let us remember the bitter experience of 1956 and 1957 when the President really induced Israel to pull out of Sinai, based on Nasser's promises. When they were not honored, the United States did nothing about it. This is a bitter experience, and I am sure Israel remembers it more than we do.

We have to realize Israel's concern to screen out guerrilla activity from government activity on the part of Jordan. I think that confidence in Israel's ability to do this is well placed.

We have every right to expect Jordan and other Arab governments will help in that process by isolating the commando activity to make sure that it is commando activity and that it is not government backed.

I thank the Senator.

Mr. PERCY. Mr. President, I further commend the distinguished Senator from New York for approaching this matter in an absolutely bipartisan fashion. There are very few controversial matters where greater unanimity of accord has been reached in the Senate than in this matter where 71 Senators on both sides of the aisle are working with the administration to bring about an accord and to make certain we do move in the proper direction.

I commend the Senator.

Mr. JAVITS. I thank the Senator for his remarks.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order the Senator from Connecticut (Mr. RIBICOFF) is recognized for not to exceed 10 minutes.

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 850

Mr. RIBICOFF. Mr. President, the proposed family assistance plan is now under intensive review by the Senate Finance Committee. Several weeks of hearings have already uncovered serious deficiencies in the work-incentive features of the legislation.

I wholeheartedly share the concern of my fellow committee members that adequate incentives to move Americans from relief to productive employment must be an integral part of any welfare reform bill.

But the foundation of any work incentive program must be the availability of actual jobs. The lack of real job opportunities makes meaningless any effort to reduce the number of relief recipients. There can be no "workfare" without work.

And yet the present form of the family assistance plan fails to provide a single job opportunity.

Therefore, the distinguished Senator from Oklahoma (Mr. HARRIS) and I submit an amendment intended to be proposed by us, jointly to the pending welfare bill, H.R. 16311, to provide a minimum of 30,000 public service jobs at the beginning of this program. This amendment would authorize the Secretary of Labor to contract with public or nonprofit organizations in establishing a program of employment in the public domain for welfare recipients eligible for work training provisions of H.R. 16311.

Mr. President, there has been much rhetoric about the necessity for welfare recipients to find employment. No one questions that we are all better off if the basic needs of Americans can be met by earned wages rather than public relief checks.

But, we have to do more than just talk about jobs. We have to provide them as well.

Over $600 million has been earmarked for the work training sections of family assistance. But, not one dollar of these funds will actually provide a job. Much of it will instead be spent on more training and counseling.

Obviously, better skills can markedly increase a man's employability. But, it cannot add a penny to his income if there is no job opening at the end of his training cycle.

This Nation spends more money on training people for fewer jobs than anybody else in the world. The result has been justifiable frustration for the poor and unemployed.

Under the present AFDC program, HEW estimates that over 1.2 million people are employable. With increased training, this number will rise.

But, where will they work? The present labor market in the private sector is already glutted. The unemployment rate stands at 5 percent. Over 4 million Americans are out of work. Many of these are highly trained professionals or skilled craftsmen.

In the face of this gloomy picture of employment opportunities in the private sector, H.R. 16311 provides only more training and counseling funds.

Former Health, Education, and Welfare Secretary Robert Finch readily admitted before the Senate Finance Committee on April 29:

> I don't think this bill really attempts to meet the problem of guaranteeing jobs.

Mr. Finch stated that 150,000 training slots would be created but no jobs.

We cannot continue this charade that a little training will enable the poor and undereducated to find decent job opportunities. We must learn from sad experience that training is no guarantee of work.

In 1967, Congress authorized the work incentive program—WIN—to provide a comprehensive network of services to increase the employability of AFDC recipients. These services included remedial medical care, an income supplement, child care, training, counseling, and placement.

The results of WIN have been disappointing. An independent evaluation by the Auerbach Corp. for the Department of Labor points out that the major failure of WIN has been the lack of job opportunities at the end of the training cycle. The report states:

> Now that the program is underway, there is a growing feeling among local WIN staff that many participants, women in particular, will not obtain jobs in the already tightly restricted—and, in some cases, declining—labor market existing in many communities.

Yet, there is work to be done in this Nation which only lacks manpower and money for its accomplishment.

A study undertaken by Harold Sheppard for the Urban Institute in 1968 shows that at least 140,000 job opportunities for nonprofessionals already exist in the 130 largest cities in the United States. These are jobs existing and available now. They could be filled in a few weeks if the necessary funds were provided.

For a longer period, the National Commission on Technology, Automation, and Economic Progress has estimated that over 5 million additional jobs could be filled in the public sector.

Too often we allow ourselves to equate public sector job programs with makework. But, the truth is we are only beginning to recognize the massive need to upgrade and expand vital community services.

Several months ago, in hearings before the Senate Finance Committee, Mr. Charles Stewart of the Arkansas Nursing Home Association, pointed out the great need for more manpower in his particular field. Stewart stated that 95 percent of the subprofessionals hired through training programs stayed on the job. Most started at around $1.45 an hour but quickly worked up to wage levels of $2 or more an hour in only a matter of months.

As Stewart pointed out, every hospital and medicare care facility in the country is in dire need of more manpower. In addition, other problems need our immediate attention. Our major cities are dying at the core. Social service agencies are understaffed. Police and fire stations are often manned by skeleton staffs. Teachers aides and housing inspectors are in short supply. Our sidewalks, streets, and countryside are often filthy.

There is work to be done in America and there are people who are willing and able to perform the necessary tasks. It is time we brought these ends and means together.

At the same time, the amendment we propose will provide the means to put welfare recipients to work in a meaningful capacity without markedly increasing the cost of public assistance programs.

The administration has estimated that over $600 million will be spent in the first year on work training and child care programs.

This amendment would earmark 30 percent of these funds or approximately $180,000,000 for the creation of 30,000 jobs.

But, let us make clear that the creation of these jobs may well eliminate or markedly reduce welfare payments to the new job holder and his family. It is estimated that the 30,000 or more jobs authorized by this amendment would result in welfare savings of approximately $90 million.

We believe that using a portion of the funds directed toward counseling and training for the creation of actual job

opportunities in areas of urgent national concern is a wise investment in the future.

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

The amendment, No. 850, was referred to the Committee on Finance and ordered to be printed.

Mr. RIBICOFF. Mr. President, I wish to pay tribute to the distinguished Senator from Oklahoma (Mr. HARRIS) for his deep concern and unflagging attention to the social and economic problems of this country. On the Committee on Finance the Senator from Oklahoma is a very constructive force in analyzing the complex matters which the committee undertakes. He is deeply concerned with the inadequacies of many of the provisions of the administration's welfare program and he has introduced a series of most constructive amendments.

I have great hopes that members of the committee, including the Senator from Oklahoma and I, and the Senate, can work together to improve the present welfare program now before the Committee on Finance.

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

Mr. RIBICOFF. I am happy to yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I am grateful for the fine words spoken about me by the distinguished Senator from Connecticut. I am very happy to join with him today in this amendment to the family assistance plan which is now pending before the Committee on Finance of which the distinguished Senator from Connecticut and I are members. No member of the Committee on Finance or the Senate is more knowledgeable in this broad field than is the Senator from Connecticut, who is a former governor and the former Secretary of the Department of Health, Education, and Welfare. I am grateful to him for the fine work he has done in the past and is doing now on the Committee on Finance in connection with this subject matter. He is constantly trying to improve the law and the programs now on the books, and is trying in particular to improve the family assistance plan which President Nixon has recommended to the committee and that is now under consideration.

Mr. President, the amendment which the Senator from Connecticut and I offer today would provide a program of public service employmcnt. We believe the addition of this employment program will be a significant improvement to the family assistance plan.

In the President's Family Assistance plan, responsibility for employment lies with the private sector alone. Certain employment services are provided by the Government: job counselling, testing, job training, job development and funds for relocation. But the actual jobs are to come from private industry. The single exception to this philosophy is the provision for special work projects defined in section 431(d).

If we are actually concerned about getting people employed, we must recognize that this approach has serious weaknesses.

It is unrealistic to expect private industry to increase employment when the economy is slack. Unemployment is currently at 5 percent. It is expected to be at least that high for the next 12 months. Many of those now unemployed were working 2 years ago. They are unemployed primarily because of a lack of jobs in the economy. Programs which retain people for jobs that do not exist can only add to their frustration. If we really want to put people to work, we will not provide them training alone. There must be jobs. That is the purpose of this amendment.

The jobs we provide should be good jobs. They should offer stable employment and a chance for advancement. As I mentioned, the family assistance plan provides for some Government employment through special work projects. But at best, these special projects are short-term affairs. Under these projects, a man may become employed, but 6 months later the project may expire and, through no fault of his own, the person may be unemployed again. Clearly, this is no way to stabilize a family's economic situation.

It is for these reasons that Senator RIBICOFF and I propose that $180 million of the funds currently proposed for job training be reallocated for a program of public service job creation.

By public service employment, we mean such jobs as teachers aides, community health aides, and comparable jobs in the fields of public safety, recreation, pollution control, housing, and rural development—jobs which need to be done. Anybody familiar with these areas knows we are not talking about make-work. These jobs represent critical needs in the public sector. By providing FAP recipients an opportunity to take such jobs we will be making one program serve two needs.

Under our amendment, employment grants would be allocated by the Department of Labor to programs designed by the States and cities. In these programs, the Federal Government would pay 90 percent of a job, while the State governments would pay 10 percent. We include this 10 percent State share because we believe that a State's planning will be improved by the recognition that some of its own funds are involved.

It is important to keep the size of the program in perspective. As I have said, we propose that the program be funded at a level of $180 million. By our estimates, that will mean the creation of 30,000 jobs. In addition, we specify that these jobs should be monitored by the Department of Labor to provide badly needed information on Government employment of poor people.

These are important steps, but they will not end our employment problems. In no sense can we consider this bill a substitute for the comprehensive manpower program contained in Senator GAYLORD NELSON's bill, S. 3867, which was recently reported out of committee. It is at best a partial supplement.

Finally, let me make a remark about cost savings. By reallocating funds from job training to jobs, we will be giving employment to about 30,000 people. We will be removing those people and their families from the family assistance rolls. We will be saving the money which would otherwise be allocated for their welfare payments.

It is our intention that these welfare savings should be plowed back into the program. They can be used to expand day care services. They can be used for more employment creation. They can be used in other ways to strengthen the working of FAP.

In proposing the family assistance plan, President Nixon said he wanted to remove people from welfare rolls and put them on payrolls. Senator RIBICOFF and I agree. At the same time, we recognize that you cannot put people to work if there are not any jobs. But with this amendment, we believe we can make a dent in that problem.

ORDER OF BUSINESS

Mr. PERCY. Mr. President, I ask unanimous consent that I be permitted to speak for not to exceed 3 minutes.

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

ILLINOIS FISCAL POLICY

Mr. PERCY. Mr. President, during the past several weeks I have been reviewing in depth the Federal budget to see where we might cut waste and eliminate unnecessary and outmoded programs; only in this way can we avoid the double dangers of more deficit spending and less Government service where it is so badly needed today in the fields of health, housing, education, job training, welfare reform, law enforcement and the like.

My State of Illinois, like her sister States throughout the country is grappling with the same problem. Because I believe that one way the public can get more for its tax dollar is for the Federal Government to coordinate and avoid duplication with what our States and local governments are doing, I have examined in some detail the budgetary situation in my own State. Today I want to commend the State of Illinois for what is being planned for this fiscal year and particularly the manner in which the State administration of Gov. Richard B. Ogilvie is going about getting the job done.

Moreover, this success story is pertinent to our deliberations, and I wanted to pass on to my colleagues here in the Senate, as a member of the Senate Government Operations Committee, the benefit of my findings in an area vital to the Nixon administration's concept of "New Federalism" and to the health of our 50 States.

Last year the financial position of my State was near bankruptcy. Under the leadership of Governor Ogilvie this crisis is being solved in two ways—tax reform and tight fiscal controls. Regarding the former, Illinois adopted a growth-responsive income tax and reduced considerably its heretofore exclusive reliance on consumption and propety taxes.

A review of the objectives and accomplishments of the fiscal control system is

appropriate because the budgetary process should provide direction to State government. For only with the discipline that the chief executive can bring to bear through fiscal controls can we hope to achieve our vision for Illinois.

This budget is superior, in my judgment, to any Illinois budget in recent years in allocating money where it is most needed. Before last year executive review of budget requests was limited. Individual agencies often dealt directly with the legislature. Agency submissions often were passed on to the legislature without change. Once appropriation bills were enacted into law, the Governor had no mechanism to control expenditure of money by the agencies.

This year, the Illinois Bureau of the Budget within the office of the Governor has breathed new life into Illinois State government. No new taxes, reduced operating costs, and smaller payrolls are the direct results of the modern tools of management approved by this general assembly and utilized to the fullest extent possible by the Ogilvie administration.

In place of the decades-old procedure of allowing agencies to submit budget requests with little or no executive direction and then passing on the entire package to the legislature, we have substituted a system of controlled executive budgeting. Department heads submitted their final requests this year only after receiving detailed guidelines and policy determinations about the direction of the State's overall program. As a result, no less than $350 million was cut from the original requests before the final budget was presented to the general assembly.

In applying tight fiscal controls the Ogilvie administration stressed four management objectives:

First. Cutting costs. The goal is to insure that all the State money is spent efficiently. Previously, Illinois has had no effective control over the cost of State government. This year, Governor Ogilvie instituted a system of apportioning funds to State agencies every 3 months. Under the former practice, agencies were free to spend at will without controls during the entire 2-year life of their individual appropriations. Now they must justify their commitments and costs each quarter. The apportionment system has enabled the administration to conduct an ongoing budget and expenditure review throughout the year.

In addition, a cost reduction team has been trained to review ongoing agency operations. Each agency is compelled to assume that its operations will increase in productivity through experience and effective management.

Second. Holding down State employment. State government has always employed too many people to do the jobs assigned, a problem that plagues our State governments, particularly those with outmoded spoils systems. The result has infected all State government operations. Our present Illinois State administration is determined that there not be more people on the State payrolls than are needed; coincidental with this goal is a determination that each State employee earn his keep.

The Governor has instituted a personal control system designed to provide the information required to insure that people are employed only where they are needed.

Third. Getting government out of activities it need not be in. One of the basic functions of State government is to provide people with services that they truly need and want. All too often, however, government continues to operate programs that are no longer effective. Frequently, traditional formulas for distributing funds become excuses for avoiding the hard decisions. The budget review provides an opportunity to examine the base of each State program.

The Governor has served notice that next year he intends to look at traditional institutional funding practices and formula grant programs just as critically as his administration surveyed operations this year.

Fourth. Accountability. State government has not been held accountable as it should have been. In the past agencies have proliferated so that responsibility became diffused and avoided. Over 50 agencies with separate appropriations report directly to the Governor.

Many governments, facing a troubled society and major new demands, have taken the easy route of reorganization, at the top, into super-agencies. All too often nothing has changed below. This year careful consideration is being given to the reorganization of the executive branch. This will be reorganization from the bottom with the emphasis on programs, not hastily imposed box shuffling from the top down.

This approach means that Illinois is attempting to make every tax dollar provide the maximum possible benefit for those who pay the bills, the general public. It means the Ogilvie administration is putting an end to programs which are no longer effective, and phasing out jobs that are no longer necessary. Sound management also demands accountability. Illinois is avoiding the easy answer of reorganizing at the top to simply create a more ponderous bureaucracy.

It also means that my State has instituted a system of controls which will bring under a continuing review the spending process of government—thus ending the year-end rush to spend all appropriations in order to justify the same or a higher budget the next time around.

The evidence of this kind of sound management philosophy can be found on every page of the detailed State budget document itself. And the result has been good news for our people in 1971—no new taxes.

And probably most important of all, the 1971 budget actually reduces the operating costs of Illinois government. This means that more State tax money will return to the communities and individual citizens of Illinois—in the form of unrestricted bloc grants to local governments, aid to hard-pressed police departments, assistance for hard-pressed school districts, and help for the needy, the sick, and the disabled. And fewer tax dollars will be staying behind in the agencies and departments of the bureaucracy.

Sound management, of course, is only half the battle. The other—and equally important—half is the establishment of firm, clear priorities for the allocation of our limited resources. The fiscal year 1971 budget for my State reflects those priorities.

It provides for the strongest and most far-reaching program of environmental protection in the history of our State—or of any State in the Union. Every power proper and necessary to arrest the continued damage to our air, water, and land is contained in that legislation. The general assembly also approved appropriations necessary for hard scientific study of pollution problems and ways of solving these problems.

The State has undertaken a massive program for land acquisition for public parks and recreation areas, and funds have been appropriated to permit State installations to come into complete compliance with high standards of pollution control. Moreover a long-range plan to help finance sewage treatment projects in Illinois communities to abate the major source of water pollution in our lakes and rivers will be put to the voters at this coming general election.

Social legislation with the potential for making historic breakthroughs got priority attention this year. It includes an expanded program of providing day care for children to free their mothers to work and to learn, a new school breakfast program for the hungry, and continued pilot efforts in welfare services aimed at breaking the cycle of despair and defeat among the poor.

For education, the State is providing more money than ever before in the history of Illinois—nearly $1.7 billion—to aid local schools at all levels, to provide increased support for State colleges and universities, and to broaden substantially the opportunities to provide financial assistance for deserving students.

The current State budget implements new programs and funds for housing, an area of great personal interest to me, that made it possible for Illinois to qualify for private foundation grants and Federal funding. This support, in turn, may lead to dramatic progress despite the current stagnation in housing development.

For correctional work and law enforcement, there are major new efforts to educate and rehabilitate prisoners. Additional agents were authorized for the Illinois Bureau of Investigation, and a high level of support was given to the Illinois Law Enforcement Commission to allow it to continue as the best such State-directed effort in the Nation.

Tax relief has been extended to larger numbers of the elderly and special assistance was given to local governments which will feel the impact of the exemptions granted individuals from the hated personal property tax.

For road building, the legislature has approved the largest program in our history to rebuild and extend a system that had fallen into a State of disrepair and neglect. Necessary funds have been provided to create a new major airport near East St. Louis that potentially can be the catalyst to restore prosperity to this sadly impoverished area.

I would like to call attention to several significant new programs in the Illinois budget. The total dollars involved are comparatively small. But each has importance far beyond its dollar amount. These are innovative developmental programs. Echoing Justice Brandeis, Governor Ogilvie said:

> I am convinced that the state must be the laboratories for the nation. Ours is the opportunity to launch new starts without wasting money in potential failure.

If these programs—in housing, manpower, rehabilitation of prisoners and social services—prove successful, they can be expanded. The objective at this time is to advance each of these programs prudently and well, and to carry them through with quality performance.

First. Housing: The traditional State role in housing has undergone qualitative expansion since the beginning of the Ogilvie administration, and it will continue to do so through innovative programs under the Illinois Housing Development Authority. This year's budget for housing includes $1 million for a slum rehabilitation program under which rents withheld by the department of public aid will be added to proceeds from receivership certificates.

Second. Manpower: Manpower training efforts are budgeted in several major departments to link people with jobs in industry, and to take people off welfare rolls and put them on payrolls, an objective I have long sought and the reason why I support the Nixon program of welfare reform. Our State administration is actively seeking out potential trainees for the new work-incentive program by making sure that special teams of doctors, day-care specialists, and counselors are in contact with welfare recipients. Moreover money has been budgeted for intensive minority group recruitment and training programs within State government.

The most basic challenge of crime control, of course, is to do more than merely punish offenders. We must rehabilitate them. The Illinois Department of Corrections' budget has been increased by 20 percent to do this. It will concentrate upon remedial education of the one-third of its inmates who are functionally illiterate and will revamp its vocational training program. It will shift its emphasis from isolated institutions to communities, where through group homes, halfway houses and intensive counseling it can supervise men while they do useful work.

The Ogilvie administration cooperated fully with the Illinois Law Enforcement Officers Conference I sponsored in Washington this month.

Third. Social services: The State budget also renews the request for funds for experimental social service work designed to end the redtape and the confusion which permeate Government efforts to help people who need help. Results from projects now in the design stage may show that with new management programs the effectiveness of the welfare system can be dramatically improved. We cannot just strike out senselessly at this system even though we recognize its obvious deficiencies.

Through sound fiscal management, continuing review of program development, and the proper allocation of its limited resources, the State of Illinois is better meeting its responsibilities and serving its people.

Mr. President, I commend Governor Ogilvie and the members of the general assembly for their outstanding record and recommend a study of this record to my colleagues in the Senate who so graciously have shared their own creative thinking in many areas with me.

PROPOSED USE OF UNUSED HIGHWAY TRUST FUNDS FOR URBAN MASS TRANSIT

Mr. PERCY. Mr. President, this year the CTA raised its fare to an all-time high of 45 cents to keep from going broke. And the bus systems in Joliet, Danville, and Peoria failed for lack of funds.

Urban centers are finding it more and more difficult to get funds for adequate urban mass transit. Yet last year the highway trust fund had a surplus of over $2 billion in unobligated funds.

That situation seems pretty ludicrous to me.

I have cosponsored a bill to allow highway trust fund money to be used for urban mass transit. The money could be used to purchase equipment and to retire debts incurred by forward-looking mass transit systems like the CTA, which obligated itself and is now having difficulty paying off bonds.

I strongly feel that as long as mass transit systems are raising rates or failing or both because of lack of funds, enormous amounts of money should not be going unused when their judicious use in mass transit may help greatly in relieving the pressure on highways in or in proximity to our metropolitan areas.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.A. 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 proceeded to the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon (Mr. HATFIELD) is recognized.

Mr. MANSFIELD. Mr. President, if the Senator will yield, 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. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STENNIS. Mr. President, I shall speak briefly, partly on a matter of procedure concerning the amendment offered by the Senator from Oregon and other Senators, which incorporates the plan of the so-called volunteer army.

Let me preface those remarks by a brief statement. This is more than an amendment, as that term is ordinarily understood. It is a basic, sweeping change in policy in our plans for national security and for the plan of having the manpower available to carry out those policies.

In effect, it would say that we are not going to have a selective system any longer, after it expires on June 30, 1971. Instead, we are going to have the so-called volunteer army.

This amendment, as an amendment, in its present form, is opposed by the President of the United States.

President Nixon made a recommendation on this subject matter. He appointed a commission and that commission made an affirmative recommendation which was filed sometime in April of this year.

But when the matter was coming to the floor and was being pressed in a serious manner, I needed to know exactly what the position of the White House was. I therefore made that inquiry and I got an answer.

I am authorized to say on the floor of the Senate that in its present form, and as a part of the procurement bill, the President of the United States is opposed to it.

Generally, what he favors in this field would be the orderly and regular development of a legislative enactment contemplating hearings, and contemplating the ordinary procedures necessary to a substantial change in policy.

I have not talked to the President myself, but I talked to one representing him directly. I do not think it is necessary for me to go any further than to say that the White House has backed up what I have just said. I will give the name of the man I talked to, upon request of any Senator. It is no secret. I have not spoken to the President. I just do not want to go any further than I should. But I had to know on that point, and I got the answer.

I state that as a fact now, as a part of my background of thought that, after all, this is not an ordinary amendment.

Now, Mr. President, in a bill of this magnitude——

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question at that point, for clarification?

Mr. STENNIS. I yield.

Mr. HATFIELD. I thank the Senator from Mississippi.

Do I correctly understand that the President has provided the Senator from Mississippi with some written statement on his position on this amendment?

Mr. STENNIS. No, he has not. He has not. We need not waste a bit of time in questioning now how the President feels about this, I do not think.

Mr. HATFIELD. May I ask another question?

Mr. STENNIS. Yes.

Mr. HATFIELD. I understand that the President's position on the concept of a volunteer military is that he has very definitely come out in support of it. Both during the campaign and, I think, when he appointed the Gates Commission to make this study, he indicated his support. I am a bit confused as to whether the President is expressing himself on the concept of a volunteer military or on the timing or implementation.

Mr. STENNIS. I said, as plainly as I could, that the President opposes this amendment, as an amendment to the bill. The thing that he favors about the volunteer army is a bill which would be enacted in the regular course of the legislative process. That is what he, in effect, has already said over and over, and made a start on it with the Gates Commission.

Now I want to continue, as that is the situation.

Mr. HATFIELD. This has been a telephone conversation with the President with the Senator from Mississippi?

Mr. STENNIS. No. I said I had not talked with the President. I am not in the habit of quoting people by name from the President. I have my facts.

Mr. HATFIELD. I am not challenging the Senator's facts. I just want to understand what the facts are, as to whether the Senator talked with the President, or a staff person, in writing, or what.

Mr. STENNIS. I told the Senator that I do not have it in writing. But I have it. I can back it up.

Mr. HATFIELD. I thank the Senator from Mississippi.

Mr. STENNIS. Yes. I thank the Senator for his questions.

Mr. President, another thing that affected me, I cannot agree to a request here for a few hours debate on this measure. I think the Senate is due an explanation on that.

There comes a time when the man who is the so-called manager of a bill must make up his mind what his duty is.

Thus, confronted with this amendment, so seriously pushed yesterday afternoon, I saw that I had to decide what my duty was, not what I would like to do.

Accordingly, I was satisfied that my duty was to say that this matter should not be passed on by the Senate in its present mood, until it is fully debated and the facts are known to the membership, and to get those facts out. It just cannot be done in these few hours. I have proposed to develop the facts here on the floor as best I can, as will others.

Another point that weighed on me was that the amendment, in its present form, calls for a $4 billion increase per year—a $4 billion increase per year, Mr. President, in the budget.

I do not know of any time in the history of the Senate that it has ever passed a new policy and a new bill that added—and this is just wartime, like World War II—that added $4 billion to the budget with 4 or 6 hours of debate. Of course not.

This thing has got to be developed on the facts, as far as it can.

The $4 billion is actually $4.3 billion, and that is the lowest responsible estimate that I know of. It is generally admitted that it may be more. Some think considerably more.

So, I reached the conclusion as to what my duty was and I do not hesitate to try to carry it out.

I want to mention that I am getting the actual facts together that will have a bearing on this issue.

It is said that we are going to get men who will take volunteer courses to carry out this policy.

We are at war now, Mr. President, and I want it to end; but I do not favor just pulling out, regardless.

The amendment would increase the pay of an E2, which is the corporal level, $160 a month.

My commonsense tells me that that is not going to get the men to do the job that we are involved in now. We are already in war.

I am going to show the full facts from authenticated official figures before the debate is over. But as a preliminary matter, the riflemen in Vietnam represent 16 percent of the Army in Vietnam. But they took 54 percent of the casualties.

When we add the mortarmen and the tank helpers that go along with the riflemen, they constitute only 22 percent of the Army in Vietnam. But they took 67 percent of the casualties in the fiscal year 1970.

Those are official figures in Vietnam.

Can we argue here that we are going to get men to volunteer for a $160 a month increase in pay to go into a situation like that? I do not think so. At least, the matter should be weighed more than it can be here on the Senate floor.

I am going to develop these figures more at length. They are not classified. They show what we are up against.

Those are just some of the matters that come to my mind more readily that have a direct bearing.

The volunteer army may be all right once the shooting is over. I do not just condemn everything about it, but I think personally that it will be many years before it would work.

Those who sponsor the call lay down certain necessary transition steps to take. I am talking now about the President of the United States. He is the man who sponsors the call.

Mr. Laird in a recent letter to me in response to a request I made for his ideas on this amendment said:

> This amendment assumes the termination of the draft legislation in July, 1971. I am convinced that the military manpower need will require the continuation of the draft beyond that date.
>
> I point out that the President in his April 23, 1970, message to Congress stated that steps to reduce the draft call to zero, increase the number of volunteers, and to end the draft system should be initiated subject to overriding considerations of national security.
>
> In stating his position, the President provided three safeguards in proposing the termination of the draft.
>
> First, the draft could not be ended all at once. There must be a phase-out of the system in order to secure maintenance of our defense posture in each step.
>
> Second, it would be necessary to extend the induction authority beyond July 1, 1971.

This is the President speaking and not the Senator from Mississippi.

I continue to read:

> Third, as reliance on the draft is decreased, a standby draft mechanism for emergency use should be developed.
>
> The amendment does not provide for these essential safeguards.

I will develop this later. I want to bring out now some of the major things that this amendment does, and would do, contrary to the recommendations of the President of the United States. He is, of course, the one whose opinion carries weight. Even though some might have suggested it before he did, the President is still the real father of this proposal. So, those points will have to be debated and argued.

I call on those who sponsor the amendment to give some solid, sound reasons to show why the President is wrong, where he is in error, and where he cannot sustain these reasons that he gives.

Let us not refer to the Commission. I have great respect for the Commission. The responsibility of that Commission was over when its report was filed. They are eminent men. They did the best they could.

I know some of them and I respect those that I know and I respect the reputation of all of them. But I doubt that they talked to a GI since World War II. I doubt that they have talked to any GI concerning the things he thinks about since World War II. That was a long time ago. Maybe some of them did. I hope that they did. It sounds kind of like a remote proposition.

Mr. President, I think the President of the United States has had more contact by far—I know he has—than any of the Commission members have within the last few years with this problem. Those are some of the things in the background of my mind.

I want to identify the statement of the President to which I have referred. It was a message from the President relative to reforming the draft system, 91st Congress, second session, April 23, 1970. That was referred to our committee. There were hearings. As I have said, I am not trying to kill the whole concept of a volunteer army.

The thing that I have been concerned about in the hearings has primarily concerned the extension of the draft, which I think is absolutely necessary. It expires by operation of law next June 30.

This matter came up last December after the House had passed an amendment providing for what we call the lottery system. There was a feeling and a sentiment in the Senate that, when that matter came to the floor, it would have a lot of amendments tied to it. It was already about November, as I recall.

I felt certain that, if there were a lot of amendments, the matter would not pass in conference.

I favored the so-called lottery system. I remember that we talked to the leader about it. However, skipping over all of those things, there was an understanding that, if the amendment that the House had passed was permitted to come to the floor and not be amended, that in early 1970, this year, our committee could

start hearings on the proposition of the extension of the Selective Service Act. That was agreed to. I agreed to that, and the bill came on the floor and was passed without the scintilla of amendment. It became law. The President got his request on that matter. I think as a whole that it has operated all right.

Mr. President, I want those Senators who are present to listen to this. We were back in session in January and February. General Hershey was retired and a new draft Selective Service man was to be selected.

Mr. President, I will go back just a little. As early as last fall when this agreement was had we had a man in Selective Service assigned to the preparation of these hearings. Mr. Braswell, our Chief of Staff, worked with him during that preparation, and they made a lot of headway getting ready for these hearings that I planned to hold.

They had to have a head of Selective Service. Without recalling names, several persons were discussed and it took a good while. Finally, Mr. Tarr was selected. I thought he was an outstanding choice. He was approved and he went into the matter with his sleeves rolled up. I said, "What about hearings?" He said, "Please give me time." I thought he was entitled to it.

We called on the White House for a bill on Selective Service extension and they had to work on it a good deal but they got it together. However, time was running all the while and we had to start our hearings on this massive bill that is now before the Senate.

I made some effort and thought a lot about the appointment of a subcommittee for hearings on the Selective Service. It is a sticky subject. I just never did get to the selection of that committee. I am thinking now in terms of the Selective Service Act.

In the meantime discussion about the volunteer army came up, and that report was filed in late April. I recall that Mr. Gates came by my office and talked about it before they filed it. In my mind, and I know everyone agreed with me, the Selective Service hearings would bring up the subject of the volunteer army.

I never dreamed that, with the exception of some opposition, the proposal would be not to have Selective Service continue. The war was still on. According to the President's plan, it would probably continue a while, and the President himself was saying all the time, "We have to have a transition and I have to have an extension of this Selective Service."

The Senator from Massachusetts had been in favor of hearings early, and he continued to be in favor of them. I conferred with him from time to time. We got into this massive bill, and we had subcommittees running day and night. They held hearings. That has already been described.

This is a huge bill and we had witnesses of all kinds. We finally got to the markup of the bill and we spent 2 weeks on that. Then, there was the campus unrest and everything else going on by then. That loomed pretty large in my mind about opening those hearings then. It was not the proper time to get at it in that atmosphere. I wish to be frank about the matter. I knew the House would not start hearings unless it was after the election. That is part of life, running for reelection. We had men running for reelection, too. That added to the problem. It was not reason enough, but it was part of the picture.

Anyway, I always thought we should have hearings as soon as we could. I was prepared for them. I expected and really wanted the volunteer army matter to come in with the hearings and as part of those hearings. I still think the only logical way to hold hearings is to have the hearings on the extension of Selective Service.

Am I impinging on anyone's time?

Mr. MANSFIELD. No.

Mr. STENNIS. Then, we could take up the volunteer army as maybe a segment of those hearings, as soon as we get this bill off the floor, whenever that is, and subject to the necessary duties our committee will have and that many members of the committee will have in conference on this bill, which I hope will be short. This is the very matter I expect our committee to take up next, and I am talking about in the year 1970.

It is a matter of making room for other things that will be coming along. I want to get Selective Service hearings started in 1970, and that will include this volunteer army concept. We will get the views of the Secretary of Defense and anybody else in official life, and outside witnesses. We will be churning along on this matter because we are already ready on the Selective Service part.

Now, I stated a moment ago the White House sent down its proposals. I am reminded now that it was limited to giving the President discretion in this student deferment and a change in the quota system. We do not yet have an actual bill for extension of Selective Service from the administration. We have several proposals from Senators, one of them being rather long. We have bills for the volunteer army. However, we do not yet have an actual bill on Selective Service extension as a whole, although we know about what it will contain. We know the problems that go with it and that have been worked on.

If we can get this bill off the floor and subject, as I said, to the situation with respect to the conference, the hearings on Selective Service and also the volunteer army will be the next order of business.

I revert to what I started to say in the beginning, to outline the matter briefly, about the matter being pressed for passage here as a part of procurement for the military services. I do not blame anyone, but I think before it is passed the facts should be before the membership in the best way we can get the facts under the circumstances. I am getting together all those facts, as are other Senators, and we are trying to draw these issues as well as we can.

I warn the membership of this body that we are running far, far ahead of time; we are running away with the recommendations of the President. It seems to me we are closing our eyes to the war that is going on in Vietnam. Unfortunately, I think it will continue for some time under the policy of the President, which I am supporting.

Now, to come in here contrary to his recommendations and his wishes and pick this thing up off the floor without really a chance to develop all the facts and put it on such an important bill, a bill that must pass this year because they cannot make appropriations until this bill passes, I think is a highly unwise thing to do. I think it would cause harm; I think it is unsound. I think it would seriously jeopardize our security—not some alliance; I am not thinking about some obligation we have on the other side of the world.

I am thinking about the security of our Nation, our people. I am concerned about the war we are already in. It is on the other side of the world. I feel a precipitate withdrawal there would cause us far more trouble in the future than we are in now. There is a difference of opinion on that.

I think we have to meet these facts as they are, rather than as we would like them to be.

Whatever merit the proposal has, it ought to stand on its own rather than be brought in here as a part of this bill. I will oppose it to the utmost for the reasons I have given.

Mr. President, that states, in brief form, the reasons I have in asking for more time to gather the facts and debate this amendment.

I yield the floor.

Mr. GOLDWATER. Mr. President, I have no intention now, or ever in the future, of debating with my chairman. I hold him in as high a respect and admiration as I do any man that I know in this world. I am not going to dispute anything that he said, because he speaks from years of accumulated wisdom, far superior to mine.

I would, however, like to reemphasize several things I said yesterday. While they might be termed "rebuttal," they are not; they are just a restatement of this amendment because I happen to be one of the cosponsors.

First of all, this amendment does not repeal the draft. I want to make that abundantly clear. The draft ends automatically the end of June, 1971. If the Congress wants to renew the draft, it can do it; but this amendment has nothing to do with July 1 or June 30, 1971.

I like to think of this proposal as I used to think of a promotion when I was in business. If I had an idea to advertise, to attempt to get more customers or keep customers, I did not spring it overnight. I would sort of urge them on, entice them, you might say. I think that is something this measure does. Before we can ever talk about a voluntary military, we have to let the troops know that they are going to get more money, they are going to get more fringe benefits; and I do not think the time to do that is July 1. I think we should pay it to them now, so that they can be thinking about it, and think, "Well, by golly, maybe the grass is greener in my uniform than it is going to be in my backyard at home, looking for a job."

The pay increases, the fringe increases,

are, to me, the real meat of the Gates Commission report.

We have raised the pay of the military several times in the last few years, but I do not think anybody can say that the military pay, particularly in the lower enlisted grades and the lower officer grades, would be enticing enough to anybody to say, "I want to be a soldier." Yes, there are many young men in this country who look forward to wearing the uniform, and they do not care about the pay, just as we have many young men in this country who are going to become ministers and do not care about the pay. We have many men in this country who engage, in many areas, in politics that are not profitable. I cannot make that same argument about the Senate and the House. Many men are going to become policemen and firemen; certainly the pay is not what attracts them to that. But whether we can get the 75,000 men a year that we need to keep a standing Army, Air Force, Navy, and Marine Corps going I think, is something we cannot gamble with. Certainly, a little more enticement is going to help.

So all this amendment really does is say, "Look, fellows, here is what you are going to get if you decide to stay in the military."

I can say that the last pay bill had a very salutary effect on the troops, and I think this one will have the same effect.

I became interested in this subject a long time ago, I think before anybody else in the country. As I said yesterday, I have spent 37 years in the Active Reserve, the Air Force, and the National Guard. In my last 5 years, when I was in the Senate, before my self-imposed sabbatical leave, I had a Mobilization Day assignment, Deputy Chief of Staff for Personnel for the Air Force. That meant that if war came, within 10 days I would put on a blue suit, march over to the Pentagon, and be a Deputy Chief of Staff for Personnel.

So I have spent a good many years in that area. I have taken whatever correspondence courses could be taken on military pay and on control of personnel.

Looking at the number of dropouts that we have every year in just the Air Force alone, young enlisted men who had spent 4 years, say, studying electronics at Keesler Air Force Base, or photography, or hydraulics, or engine maintenance, only to lose them and see them go to work for some company at a much better salary, I became convinced that we could save money by this move.

Dr. Milton Friedman is a member of the Gates Commission. I am not. He is a learned economist. I am a layman at best. But I have had quite a bit of experience in the personnel field in both civilian life and in the military. Both he and I agree that there ultimately will be a saving.

Here we are talking about what I have to confess are estimates. The Gates Commission is pretty much talking on guesses. The figures the military will use to oppose this amendment are guesses. My guess at one time was that the Air Force would save $1 billion a year if there were a proper pay scale and fringe benefit improvements and promotion improvements to entice young men into making the Air Force their career. I apply this to every other branch. Possibly in the Air Force there has to be more of an education program because we are in a little more sophisticated area than the other services find themselves in—without any reflection on the other services.

So I feel that my original motive in this matter certainly has not changed. We are not proposing to end the draft. We are merely proposing to set the foundation stones on which we can build a voluntary military service.

The question arises, what are we going to do in an emergency? What have we always done in an emergency? The Congress has passed draft laws. We had one in 1917. We had one in 1940. We had one again in 1948, and the one passed in 1948 has never been rescinded.

In the amendment that the distinguished Senator from Oregon, I, and other Senators are sponsoring, we provide for something that has never been provided for before—a real basis on which to build a working Reserve. After 37 years spent in the Reserve I think I know a little about it, perhaps not as much as some people know, but more than most people know. We have never had a universally effective Reserve force in this country, except for the ground National Guard and now the Air National Guard, and some segments of the Reserves which are active in air transport. We have never had a Reserve, for example, that could be called up. I remember back in 1939—I was then a first lieutenant in the Infantry Reserve, I think it was the 317th Brigade, though I may have forgotten it—but they called up all the officers. First of all, we had only half officer strength, and only three of us could pass the physical. That would have been a heck of a division, marching off with three officers, three first lieutenants with rifles on their shoulders. I have never seen any improvement in the Reserves since, except the National Guard, ground and air, and I would add the Navy, although I do not think the Navy, outside of the air component, could muster a real reserve force.

When I think of Reserves, I think of young men in this country up into their thirties, who have had some exposure to military training. I do not necessarily mean ROTC. I can remember the days of the Citizens Military Training Corps, that gave us many fine officers in World War II, and its training consisted of a month each year for 4 years, and then an examination, and the young man would be commissioned a second lieutenant in the Reserves.

We are turning out, contrary to what Senators might hear in the media or read in the newspapers, more Reserve officers than we ever have in the ROTC. The Air Force alone has about 140 requests from colleges that it cannot meet. The Army has about 67; I think that figure is substantially correct.

So the source of our officer strength, the ROTC, is not disappearing. We wish we had had better reception at some of the colleges where we have it, but it has not been received, and I suggest that the Pentagon take it out of all the schools that do not want it. If some of our fine eastern and western colleges do no want the ROTC, let us take it away from them and give it to some of the little schools that do want it, because frankly, I think we get a finer grade of officers from the smaller schools anyway.

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

Mr. GOLDWATER. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I was interested in the Senator's point, because two colleges in my State of Kentucky have been seeking for 5 years or more to have ROTC installed in those colleges, and they have the support of both the faculty and the regents and the student body. One of them has more than 8,000 students.

Mr. GOLDWATER. I appreciate the remarks of the Senator, and I happen to know that is true, because I have seen those two schools listed among those that want to have an ROTC program, either Army, Air Force, or Navy.

But, not having had what you could really call a reserve system in this country, where we could call the troops up, except in the cases I have listed, this bill is designed to provide a starting base for a Ready Reserve. One of the ways in which that can be accomplished is that we are going to require the continued registration of every young man in the country. This does not mean he will be drafted; it just means we will have the name and address of every young man, and then we can try—we are not going to force him—but we can try to interest the young man in taking some kind of military training. I do not mean 25-mile hikes and all that business, but at least to understand what war is and why nations have to go to war sometimes, to understand the need for discipline, and to begin to understand the need for leadership.

I think we could do a pretty good job with young men of this country if we approached them on a voluntary basis and said, "Look, we have a voluntary Reserve in this country; it would be to your advantage to join it. We are going to pay you a little bit to attend drills; you are not going to get rich on it, but one thing you are going to do, you are going to know a little bit something about being a soldier or an airman or a sailor or a marine, and if it ever becomes necessary to institute the draft again, you will be called."

I think I can speak with experience greater than that of any other Member of this body who has been in the service in saying that the man who has been exposed to training is usually the man who does not get hurt. It is the man we try to make a soldier of in 6 weeks, or an airman of in 8 weeks, or a marine of in about the same time, who just does not understand it, and he is more prone to be hurt than the other men. I would use that argument with any of my grandchildren, in urging them to take some kind of military training.

Mr. KENNEDY. Mr. President, will the Senator yield at that point?

Mr. GOLDWATER. I am happy to yield.

Mr. KENNEDY. I have read some of the comments of the Senator from Arizona on this question at other times.

Just looking through the amendment, is there a provision in this amendment to require some kind of universal military training?

Mr. GOLDWATER. No.

Mr. KENNEDY. There is nothing in the amendment that would require, in any way, some sort of universal military training for all young people, even for the limited period of time of which the Senator from Arizona has spoken. Is that correct?

Mr. GOLDWATER. No; and I say to my friend from Massachusetts, moreover, that I would lead the fight against universal military training. In addition to my interest in this legislation from the point of view of thinking we could save money, there is also my concern with the rights of the people of this country. As I said yesterday, I do not think it is right for our Government to tell any young man how he is going to spend 2 or 3 or 4 years of his life.

I think we have enough young men who, if they were left alone, would meet the need for 75,000 volunteers a year. But universal military training, while it has been very effective in some countries, I just cannot fit in with the American way of life, and I say to my friend from Massachusetts that if anything like that is ever proposed here, I will be out in front, leading the fight against it.

I would propose an appeal, a very understanding appeal by the military services to the young men to associate themselves with some Reserve unit; and while I may have sounded critical here this morning of the services, we have had very little attention paid to the Reserves over the period of years that I was associated with the Reserves, which was well over half of my life. Outside of the Navy, which constantly pays attention to its Reserves, and the Air Force, which pays attention to the Reserve units that have transport assignments, and the National Guard, both ground and air, we have nothing that we can bank on in time of war.

So we have proposed, through the mechanics of this amendment, to set up a way for the services to become interested.

Mr. KENNEDY. The training the Senator was talking about, then, was in relationship to the Reserves?

Mr. GOLDWATER. That is right.

Mr. KENNEDY. Strengthening the Reserves?

Mr. GOLDWATER. The Senator is correct.

Mr. KENNEDY. I thank the Senator.

Mr. GOLDWATER. Mr. President, I have four grandsons. When they get to the appropriate age, in school, I would try to interest them in taking military training. I might go farther than some grandfathers, because I have got a lot out of it myself. I would urge joining up with a local Reserve unit that would meet, say, twice a month for 2 hours to learn about the problems of being a soldier, an airman, or a sailor. But in no way should this be mandatory or required.

My personal feeling, I might say to the Senator from Massachusetts, is that a young man is a lot better off having exposed himself to some military training. It is much like when I was a boy, all of us learned how to box. We did not do it to go around being bullies; we just did it so we could protect ourselves, and because if others knew we could box, they would put us on a list to be left alone.

This might be important to the United States; if the potential enemies of this country knew we had a Ready Reserve, ready to go, that could be called up overnight, maybe it might have a salutary effect so far as peace is concerned.

Mr. President, I did not intend to speak long on this measure at this time. I shall devote further time to it. But I hope Senators on both sides will pay close attention to this matter. The learned Senator from Mississippi has had more experience in this field than, possibly any of the rest of us.

But we think—those of us who sponsor this amendment—that now is the time to lay the groundwork. Now is the time to tell the troops around the world that we are going to pay them a little more money and that we are going to give them a little better fringe benefits. I have in mind, for example, if a man is stationed in the Mediterranean, let his wife come to the Mediterranean. If he is stationed any place that his family can go, take the family there. Make it easier for him. We do not make it impossible for our civilian employees to live overseas, but we certainly put all the rocks in the world in the road of a man going overseas in uniform.

We could improve the fringe benefits in medicine, for example. We could provide better housing where better housing does not exist now.

We are talking about a large chunk of our population. It is not going to be 3.5 million men. It is probably going to be between 2 million and 2.5 million men when Vietnam is over, or it might even be before Vietnam is over. But, still, that is a lot of people.

I witness Senators on the floor of the Senate every day shedding big crocodile tears about 100,000 people or 500,000 people who lead a tough life. Right now, 3½ million men—potentially 2½ million men—lead a tough life all the time, regardless of what they are paid. When a man is risking his life and defending the rest of this country and the free world, I do not think one can put a dollar sign on it.

So it is something we have to be serious about and considerate about—all the things I have mentioned and many, many more.

Mr. President, I hope that we have a long debate on this matter. I think it will help the country to understand what we are trying to do and to understand what I think we will have to do.

Mr. ERVIN. Mr. President, will the able and distinguished senior Senator from Arizona yield for several questions?

Mr. GOLDWATER. I yield, but I should like to remind the Senator that I am the junior Senator. I am one of the oldest junior Senators in the Senate. [Laughter.]

Mr. ERVIN. I would say, if the Senator from Arizona would permit me to do so, that the seniority in experience of the very distinguished junior Senator from Arizona has conferred upon him great wisdom.

My questions are these:

First, does not the Senator from Arizona think that every man has the same duties to his nation that all other men have?

Mr. GOLDWATER. I agree with the Senator. I feel that way. But I do not think we should force that service on a man, unless we are in times of real emergency, when we have to get 10 or 12 million men into uniform.

Mr. ERVIN. Does not the Senator from Arizona agree with the Senator from North Carolina that service in the Armed Forces of the Nation has a tendency to make a man understand more clearly his duties to his country and to value his country more highly?

Mr. GOLDWATER. I could not agree more with the Senator from North Carolina. He is a distinguished veteran himself and wears one of the highest decorations this country gives.

I know of very few men who have served in the military services who have ever turned against their country. A few, yes. But, on the whole, they not only come out of this experience with a greater regard for their country but a better understanding of their country as well. In addition, they come out of it with a distinct, clear understanding of the need for leadership—and we have too little of it in this country today—and the need for discipline. I do not mean the kind of discipline of clicking heels or popping to a salute. I mean the discipline that we do not find today—the discipline of respect, the discipline of time, the discipline of work.

If I had my life to live over again—I have said this often—I probably would have taken my appointment to West Point, and I would either be a general today or I would be dead; but I would have enjoyed my life a great deal more.

Mr. ERVIN. I know it to be true that the distinguished Senator from Arizona. nothwithstanding the fact that he did not make of himself a professional soldier, has devoted a large part of his time and his energy to serving his country in the armed forces—and even in times of peace, in the Reserves of the United States. I think he merits the commendation of our Nation for having so conducted himself.

I should like to ask the Senator from Arizona if he does not agree with the Senator from North Carolina that, if the financial status of the Federal Government permitted, it would be highly desirable for the Federal Government to require every young man to receive training in the armed services of the Nation for a limited period of time, and if he does not agree with the Senator from North Carolina that such a policy would ultimately promote the health of the Nation as well as better citizenship in the Nation.

Mr. GOLDWATER. I might say to my friend that I have always said that there are two things a man has to do—he has to pay taxes and he has to defend his country. I would not agree that, even if the Federal Government could afford it, we should force an unwilling young man to take military training. I think it would be to his advantage. But he might disagree.

In answer to a question from the distinguished Senator from Massachusetts, I said that I would not favor universal military training, because one of the two major premises that I stand on in relation to this amendment is that I do not think the Federal Government has the right to tell any man or woman how they are going to spend 3 or 4 years of their life. This is in regard to the young man who does not want to be drafted or does not want to be a voluntary member of the military. I think it would be to his advantage to take this training, but I could not back the type of universal training that it would take to do what the Senator thinks is wise, even though I think the training would be wise.

Mr. ERVIN. Does not the Senator from Arizona concede that a very good case can be made for the proposition that it is just as fair to depend on voluntary taxpayers for the support of the U.S. Government as it is to depend solely upon volunteers for furnishing the manpower for our armed services?

Mr. GOLDWATER. The Senator makes a very interesting point. I am afraid that if we had voluntary taxpaying, we would not raise a great deal of money. But I am not worried about depending upon the young men of this country to provide a voluntary military force.

Keep in mind that I am talking about the normal times in which we hope to live. I am not talking about World War I or World War II or—well, I do not like to use Korea, but even Vietnam. Had we had a voluntary military, I think that we would have been able to fill all the slots needed in a war the size of Vietnam had we fought that war the way we should have fought it. I do not happen to agree that under the direction of Secretary McNamara or President Johnson, this war was fought in a proper way. But that is beside the point. So while I am very much interested in becoming a voluntary taxpayer—something I do not believe we will ever see—I do not believe we can compare the two, enticing as that might be.

Mr. ERVIN. I would certainly agree with my distinguished friend from Arizona that the conflict in Vietnam has not been fought in the proper way. I would be inclined to the opinion that the same observation could be made with respect to the Korean episode. I have always been convinced that those civilians who have the ultimate charge of our military forces would be intellectually enabled to serve their country in troublous time in a more effective manner if they would pay less attention to trying to find out a concensus of opinion and would spend more time reading the advice which Polonius gave to his son, Laertes, on the occasion when the latter was about to journey from Denmark to Paris. In substance, Polonius told Laertes, "Beware of entrance into a quarrel, but once in it, so bear thyself that the enemy will beware of thee."

I say with the firm conviction of the correctness of my assertion that if the civilian authorities had permitted the military to take charge of the situation in South Vietnam, the military would have won this war 3 or 4 years ago.

I cannot help confessing another abiding conviction, that a nation can never justify sending its boys into battle to die in a war it does not permit them to win.

I want to thank the distinguished Senator from Arizona for his courtesy in yielding to me. I rejoice in the fact that he and I ordinarily share kindred views on military subjects, even though my views in respect to the pending amendment prevent me from voting for it.

Mr. GOLDWATER. I thank the distinguished Senator from North Carolina with whom I have served in such a delightful way for many years. It is true that we do not agree on this question, but I would hope that the Senator would lend his judgment to it as we go along. I certainly agree with the remarks he just made. The observation made after the fall of Dienbienphu, that the French did not lose Dienbienphu in Vietnam, they lost it in Paris, is precisely what is happening in America today.

If we lose the war in Vietnam, we will have lost it in New York and Washington. We will have lost it through the distortions made by the news media regarding the war and what it does.

I have said time and again that had we made up our minds to win the war in Vietnam at the same moment we went into it, the war might not even have started, because any nation facing up to the fact that they would be opposed by the greatest power on earth, by the naval and air forces of the United States, I do not think they would choose to fight.

I suggest, as distasteful as it might seem, this is one of the instruments of national policy which this country has never understood.

I do not believe that World War II would have occurred had the United States been armed and prepared and had Germany known that a foot on Poland, or a foot on England would also mean a foot on the United States.

Mr. President, it is unfortunately true that peace is kept only through power. I wish it were not so. I hope that my grandchildren will live to see the day when peace in the world will be kept because of the goodness in men's hearts and minds and not their evil.

Mr. ERVIN. Mr. President, if the Senator will permit me one more observation, without losing his right to the floor, I should like to state as an abiding conviction that when statesmen or politicians, or whatever we may call them, fail to such an extent that war comes, they should take a back seat and allow the military men, who have been especially trained to wage war, to direct the actual tactics in the area where the war is being waged.

Mr. GOLDWATER. The Senator is absolutely correct. There is not one single instance in history that will not back him up. It is unfortunate, but it is true.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, continuing this dialog on the voluntary Army concept which has been proposed by the Senator from Oregon (Mr. HATFIELD) and cosponsored by the Senator from Arizona (Mr. GOLDWATER) and other Senators, I want to make some comments at this time concerning the dilemmas in which we find ourselves.

I have had an opportunity to read the Gates report and to read the proposed amendment. I have been in favor of a voluntary Army, and have made speeches on the subject, for at least 5 years.

The question obviously becomes filled with emotion when we think of the deep resentment people feel around the country, be they young or old, over the arbitrary selection caused by the draft laws.

The other day, I had the opportunity to talk to people in the Defense Department and to talk to some people, impartial civilians, looking into the subject; and almost everyone agrees, so far as I can see at this time, that any draft law which drafts less than all the people must, of necessity, be inequitable. There is no possibility of making it operate evenly, because we are going to select certain people and make them do things which we are not going to make others do.

It is also obvious that the country and the taxpayers, cannot possibly afford any kind of uniform service law, where everyone is required to serve for a stated length of time whether we are at war or peace. I am not sure that it would be right anyhow, for reasons which the Senator from Arizona (Mr. GOLDWATER) just stated.

Then we have the other situation, when we are at war, whether declared or undeclared. Many Americans have been killed and many Americans are still in Vietnam. In an unpopular war of this kind can we maintain the necessary forces to complete the President programs if the draft is dropped? What we are looking at is not the situation we were faced with as this administration came into office, but what the situation will be in Asia and the rest of the world after July 1, 1971. Hence, we will try to determine what kind and what categories of personnel will be needed to provide security for this country.

According to the President's announcements which have already been made public, our armed services in Southeast Asia, as of May 1, 1971, will be about 240,000 troops as compared to 540,000 in January of 1969.

Many of these troops will be logistic forces—communications, supply troops, and so forth. Some of them will be artillery. Some of them, obviously, will be ordinary infantry, defending whatever bases and depots we have still there.

No one knows now what the situation will be 3 months later, whether we will be reducing the number of troops still further—which we all earnestly hope we will be—or whether by that time we will have reached some kind of agreement with North Vietnam which will enable us to get out even more rapidly.

In looking around the rest of the world outside of Southeast Asia, where else are we liable to be using troops in ground infantry action? It is very difficult to see where this would happen except perhaps in Western Europe in the event the Soviets decide to heat up that area.

We have had some 350,000 troops, members of the armed services, in Europe for 25 years. For the life of me I have

been unable to understand why we have done this. For the life of me I have been unable to understand why the United States should use its own forces in the area of Western Europe, which is economically and, from the point of view of manpower, better able to protect itself than is any other area that I know of around the world.

It makes no sense to me. Over and over again I have joined with the Senator from Montana (Mr. MANSFIELD) in urging that we have a very substantial reduction of forces in that area.

In the Mideast fortunately, and through the very fine activities of our Secretary of State and President, we have at least a tenuous cease-fire. We hope that we will be able to move from that into further negotiations for a permanent peace in that troubled region.

Mr. PERCY. Mr. President, would the Senator yield for a comment on that point concerning his comments on the European forces?

Mr. DOMINICK. I am very happy to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I think the distinguished Senator's comment is most pertinent. I can well understand why Europe would want to have more than 500,000 Americans in Europe today, more than we have actually in Vietnam. They are there as hostages. In the event western Europe should be attacked, we will be there.

What I cannot understand is their reluctance in the past to bear their fair share of the cost of troops needed for a common defense. This, I think, has been ludicrous and I think it is a scandal that in years past we have not said, "If you want us here, the least you can do with your high level of prosperity is to pay a fairer share of the costs involved."

These countries now recognize that they must pay a fairer share. The question is how much. I think we are some ways apart in what we think is a fair share.

The point the Senator makes is very well taken. It has been an unfair situation. I have talked with officials who helped create NATO. They never envisioned that we would, 25 years later, have troops in Europe to the present extent and bear the present level of expense.

I thank the Senator for yielding.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Illinois. The points he has made are very accurate. Not only have they not paid for the costs of our troops, but also they have not fulfilled their own NATO commitments. As a matter of fact, one of our NATO allies, France, has thrown us out and required that we be in another country.

Apparently the whole complex was developed from the idea that we might be facing a threat from Eastern Europe. I think that is still a possibility. But one country that has been urging us to keep our forces there Western Germany has now reached a nonaggression treaty with the Soviet Union. I do not know that it is worth anything but if it is this further emphasizes the desirability of removing our troops from there. We can meet our commitments to NATO by airlift. We can bring our troops back in. We have no desire to go back on our commitments.

The point I make is that 1.25 million volunteers are in the armed services. Some 800,000 additional men are volunteers in their first term of service. If we have this capability now in this country, do we in fact need to further extend this draft situation which can be nothing but inequitable, no matter how we look at it?

The major argument in favor of it is that we cannot get troops for the "nitty-gritty" ground combat. People are enlisting in other specialities. They will volunteer to be pilots or to go on Navy ships. They will enlist for the electronics field or communications. But we do not find many people enlisting for ground infantry action.

This is a problem and the question is how do we solve it.

Again, we have to look at where we will use troops of this kind in the future. What is the immediate threat which would create a need for drafting a number of troops of this kind?

It is hard, frankly, to see the realism behind it.

We now have a proposal to reduce our overall services to 2.9 million from about 3.5 million. But for each troop we put into combat, for each flier, for each Navy combat person, or for each marine we have more backup support troops than any other country in the world. I think it is somewhere in the neighborhood of 11 to 13 or something of that number for each person who actually conducts any fighting. I am not sure of the exact figure, but it is very, very high.

We do not need to go in this Cadillac form if we are engaged in a war which involves the security of the United States.

We need to give the necessary support pay and recompense to the actual people who are engaged in this as a career, yes. But do we need an overall force of this size—2.9 million persons?

My own thinking is that we do not as long as we have a method of calling up large masses of people if we find ourselves in a very serious problem, as well as keeping a strong Reserve and National Guard force.

We can reduce the Regular Army by a considerable amount of personnel. These points seem to militate in favor of this amendment and in favor of a volunteer army and dropping the draft as of July.

The things that we cannot envisage right now concern the defects that would turn up if we were to have rather extensive hearings on this matter next year.

Does this amendment which we have under discussion in fact provide the proper amount in order to be able to make a high-class volunteer army more practicable?

How much additional training allowance or pay will we have to have in order to get combat troops in the infantry?

Why are the Marines able to fill their lists with volunteers while the Army infantry cannot. Is there that much difference in their fighting roles, or their pay and allowances or their service living conditions? Or is it the method of recruiting or the allure of the Marine morale? These questions need to be examined.

What are the policy problems of the future with respect to the actual use of troops?

Will we have to find ourselves in the Cuban area, for example?

Strong intelligence indications that have recently come to light show that the Cuban problem, far from getting better, is getting worse. They are stronger militarily, their missile capability is getting better, and their nuclear capability is being increased.

There is at the present time one nuclear noncritical plant in operation used for peaceful purposes. It is my understanding that another one is proposed for 1971 or 1972 which is a critical mass type nuclear plant.

Every Cuban working in it has been trained in the Soviet Union. There are continued reports from Cuban intelligence that missiles are in the country. What is going to happen in Western Europe? Is there going to be an agreement which will calm down some of the tensions which have existed in that area? Are we going to be able to stay out of the Middle East or find ourselves engaged there, God forbid, in a more direct way?

These are all problems we are going to have to wrestle with in determining what we are going to do in connection with this amendment. I am frank to say I have not made up my mind. Are we being premature in taking the amendment up at this time or is it necessary to get started on it now, as has been suggested by the Senator from Arizona and the Senator from Oregon so we can test it out in the intervening 6 or 8 months prior to the time the draft expires and comes up for renewal? It is a most perplexing and difficult problem and it is one that should be examined at this time.

We have been wrestling with other problems that are difficult but we have not been wrestling so much in connection with problems which affect the welfare of so many of our young people, as well as those who are enjoying the luxuries and freedoms we have in our Nation. I have not made up my mind on what to do about this matter, but I hope before the final vote we would have some debate, some discussion, and open remarks as to what our policy position may be around the world within the next 2 years, because it is within those 2 years that I feel this voluntary Army versus the draft situation will be most critical.

Mr. HATFIELD. Mr. President, I am grateful to the distinguished Senator from Colorado and Senators who have engaged in this colloquy today on the subject which we intend to lay before the Senate very shortly, namely, amendment No. 844.

Mr. President, Before I make any further comments, I ask unanimous consent that the name of the distinguished junior Senator from Illinois (Mr. SMITH) be added as a cosponsor of the amendment.

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

Mr. HATFIELD. Mr. President, the

very able Senator from Colorado has just addressed himself to some of the most fundamental points we are concerned with in the overall manpower procurement responsibility that we in Congress have, a responsibility to enact legislation that will provide our military organization with sufficient manpower to meet not only domestic defense needs of this Nation, but to implement our foreign policy as well. I am pleased that the Senator touched on these important points of foreign policy which depend on an adequate military force to carry them out and to implement them.

I shall make only one or two points this morning because when we call up the amendment we will go into other arguments and debate on the matter.

The question has been raised this morning by the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), about the cost of an all-volunteer military. The distinguished Senator from Mississippi has used the figure $4 billion as the cost which would be required to implement an all-volunteer system.

I would like to quote from the same letter from the Secretary of Defense, Mr. Laird, who indicated that there is not today in the Pentagon a real basic set of data on which to compute accurately an exact cost. I would add further that the Gates Commission report, on page 7, indicated that with the basic pay increase, proficiency pay, Reserve pay increase, additional Medical Corps expense, recruiting, ROTC, and miscellaneous, the figure would come to $3.24 billion.

Mr. President, I wish to emphasize very carefully this morning that it costs approximately $6,000 to train a soldier. Today we have draftees coming into our military program under what we call a mixed force; namely, we have volunteers, and we have those volunteers who volunteer to avoid conscription, and we have draftees. When one considers we have a 92 percent to 95 percent turnover rate within our draftee group, I think it is very apparent that we are expending a great deal of taxpayer money to train people to a point where, at about the time they become proficient, they are out of the service.

The Navy has indicated that it is believed the No. 1 problem they face today is what they call "personal turbulence," and that is simply another word for turnover rate. That is in a branch of service in which there is today an all-volunteer recruitment program. Some of those volunteers are not true volunteers; they are enlisting to avoid the draft. The point is that even in enlisted situations there is this high turnover rate.

We are expending over $3 billion for the training of draftees. Our present system is costing us over $3 billion and I am saying, and my cosponsors believe, if we accept these figures—and they are very general and I do not purport to say they can be computed to the exact dollar or perhaps even millions of dollars—if for the moment we accept the $4 billion figure given by the chairman of the Committee on Armed Services, that the all-volunteer system would cost us, I would point out that it costs us over $4 billion to maintain the coercive nonvoluntary draft program.

When one considers the two figures, it is obvious that by reducing the turnover rate under a voluntary system, we would receive far more in return for our $4 billion in an all-volunteer force than we get from $4 billion in a draft mix system.

Further, we have the support of a very important committee appointed by President Eisenhower in 1957, which was headed by Ralph Cordinier. The report became known as the Cordinier report, and I would like to quote from that document.

It was estimated at that time, and this goes back to 1957, so if anything the figures would be increased as they apply to the situation today, 10 percent of the military force is engaged in training new recruits.

When one considers that by instituting an all-volunteer system, under the best calculations which have been given us, we would release a number of people today who are involved in a constant training program; and that is estimated at a 3-percent reduction in personnel for training purposes. If one considers a 2.65 training level, as the Cordinier report referred to at that time, that would mean 79,500 personnel could be released from the entire time they have to give to training, for other military assignments.

The Gates Commission states that when you take the present accession and other recruitment programs, we have about 250 million true recruits or enlistees; and on that basis, out of the 325,000 that go in as "new" each year we would have to have only 75,000 additional new enlistees to have an all-volunteer system.

When one considers the savings that could be made in manpower alone in an all-volunteer system in the area of training, it is obvious we would not have to pick up a great number more men than are voluntarily enlisting without the pressure of the draft.

The question has been raised this morning also as to the matter of whether all young men have a duty to perform to their country and whether that duty can only be performed through military service.

I would like to say that I speak as a combat veteran of World War II. I feel that the experience I had in the Navy was a very excellent experience. At the same time, I do not believe that, because I was privileged to serve in the Navy in World War II, fighting for my country, I should assume I have a higher degree of citizenship than any person who was not able to serve in the Armed Services, as many of my friends with whom I had attended the university were denied entrance into the military service, when they were seeking to serve. It was excellent for me, but, by the same token, I do not believe it gives me an extra badge of citizenship that is denied those who were not in the military service.

Furthermore, as I indicated yesterday, when we talk about serving our country, we should not restrict our thinking to believing that the only way to serve our country is through serving in a military uniform. I think that is one way of serving one's country, but I think there are many other ways one serves his country. I would hate to think that we would restrict our thinking, in discussing the amendment, to the thought that only young men in uniform are rendering a service that is looked upon as doing one's duty to his country.

Mr. KENNEDY. Mr. President, will the Senator yield for a brief observation, and then I should like to ask him some questions.

Mr. HATFIELD. I yield.

Mr. KENNEDY. Mr. President, I will support a volunteer Army in peacetime. But when, as now, battlefield casualties are high I do not believe a volunteer Army is either equitable or wise.

In my view, it is inequitable to permit the risks of battle to fall only on those less affluent Americans who are induced to join the Army by a pay raise. And it is unwise to insulate from the horrors of war middle- and upper-class Americans who might lead the protest against senseless foreign adventures.

I recognize that the present draft system has many of the defects of a voluntary system. But the draft can be made more equitable, as I have fought to do for years. The volunteer Army is inherently inequitable.

There are some who argue that we never would have become involved in a large scale war in Indochina, if it were not for the draft. This is sheer speculation. The one certain fact is that we are in Indochina now, and that the process for determining who will serve there should be a fair one.

Some suggest that if the draft were ended, American involvement in Indochina would have to come grinding to a halt. This, of course, directly contradicts the finding of the Gates Commission that our military manpower needs could be met by an all-volunteer force. In any event, if the Congress wishes to end the war, it can do so by legislation directly aimed at that goal.

Finally, I note that the cost of the Hatfield amendment for this year is at least $3.2 billion dollars. When we have such pressing budgetary problems and domestic needs, I sharply question whether a volunteer Army, even if desirable, should rank so high on our list of national priorities.

I would now like to ask the Senator from Oregon how his cost figures are related to the level of unemployment?

Mr. HATFIELD. In reply to my friend and colleague, the figures that I quoted included unemployment.

Mr. KENNEDY. What level of unemployment?

Mr. HATFIELD. Is the Senator referring to the Cordinier report?

Mr. KENNEDY. I am familiar with the figures in that report. I am referring to present estimates of the cost of a volunteer army under the Senator's amendment.

Mr. HATFIELD. The $3.2 billion under the Gates Commission finding?

Mr. KENNEDY. Yes. It has been some time since the Gates Commission report was made. Unemployment has increased

since that report. It has actually doubled. How does the Senator think that fact affects the cost of his proposed program?

Mr. HATFIELD. The Senator is quite correct in saying that the figures on unemployment are changing, but as far as the report is concerned, unemployment was approximately 5 percent at that time.

Mr. KENNEDY. So the cost of the Senator's proposed program is based on an unemployment figure of 5 percent?

Mr. HATFIELD. Yes.

Mr. KENNEDY. How does it vary as unemployment varies? Of course, this matter was developed quite completely in a Defense Department report and lead to extraordinary estimates on the cost of a volunteer Army, ranging from about $4 or $5 or $6 billion up to $17 billion, as I remember. The cost was very closely related to the unemployment question.

Has the Senator any information now which would suggest that, under his amendment, there would be a difference in cost if there were a reduction in the unemployment rate or a rise in the unemployment rate over the period of the next 2 years?

Mr. HATFIELD. The figures we are using at this time are on the basis of the finding in the Gates Commission report, which was based on an unemployment figure of approximately 5 percent, as I have said. As far as the total cost is concerned, we must realize that we are dealing here with certain variants—the size of the military force we are going to base it on, whether it be 2.5 million or 2.6 million, and the fact that we must include in this estimate anticipated savings, following the recommendations of the Gates Commission, which among other recommendations, would transfer certain present military duties to civilian jobs.

Mr. KENNEDY. That is being done at the present time, as I understand.

Mr. HATFIELD. That action has been taken in certain instances.

Mr. KENNEDY. Nothing currently prohibits the military from moving in that direction in a more extensive way, or even recruiting civilians for clerk and typist jobs, for example.

Mr. HATFIELD. There is no prohibition. The point is that we would be calling upon the military, by action of the Congress, to accelerate that program or policy.

We do go into other cost factors, for example, transportation. It is estimated by the Gates Commission that we would save a minimum of $68 million in transportation, on the basis of a lesser call for transporting recruits or inductees from one place to another.

In the field of training and administration, the estimated reduction in the cost of such programs is $675 million.

In the area of what they call civilianization, or the very point we were just discussing, moving further in the direction of providing civilian personnel with responsibilities now being performed by military personnel, the estimate is that there would be a saving in cost of $100 million.

Then, as far as the impact upon the general economy is concerned, there is a very interesting figure, which I am sure the Senator from Massachusetts is aware is an element in the cost calculation, and that is the loss of productivity to society by men trying to avoid the draft. We are losing a great resource in this country, as the Senator knows, as a result of a sizable number of people—it is up to 60,000—moving out of the country to escape the draft. And it is estimated that over 30,000 men have now refused induction. Others are in colleges and universities in an attempt to avoid the draft. This has resulted in an increased cost of education for people who are not really seeking an education or who are qualified to receive it, but are there for the single purpose of avoiding the draft. That is a difficult figure to state in specific terms, but it is estimated that the saving could reach as high as $3 billion, and that, of course, would have another great impact on our economy.

So I think all these factors must be considered when we consider the cost of a volunteer system versus a coercive system, and what it means in the long run.

As I indicated yesterday, I may add to my comments to the Senator from Massachusetts, the real cost of this program under a volunteer system would not be any more than the present cost. By that I mean that the present costs are being borne not just by the taxpayer, who should bear all the costs for the defense of this country, but by the requirement that we are placing upon the shoulders of our servicemen to subsidize their own military service because of the noncomparability of the pay scale they are receiving when contrasted to what they could earn in civilian life.

John Kenneth Galbraith called this "the patriotic tax," Dr. Oi called it "the hidden tax." Whatever you call it, it is still there.

Therefore, when we consider or talk about an all-volunteer system in terms of dollars, it really is not going to cost, in real dollars, more money. It means only that we are going to send the bill to the taxpayer, rather than requiring the young men to subsidize their own service.

Mr. KENNEDY. Those same savings in cost would have existed in Australia, when they instituted the volunteer army system, would they not?

Mr. HATFIELD. I am sure in some degree. Perhaps not to the same magnitude.

Mr. KENNEDY. But all the different cost-saving elements, lower administrative overhead and the others which the Senator has mentioned, were there perhaps, in some varying degree.

Mr. HATFIELD. Let me interrupt the Senator at that point. When the Australians moved from one type of system to another, they did not include any additional incentives, as we are doing, so we could not make quite the direct comparison the Senator is attempting to make between the two countries.

Mr. KENNEDY. They had some modification, did they not, in pay scales?

Mr. HATFIELD. No significant modification.

Mr. KENNEDY. Well, one can question whether the pay scales included in the Senator's amendment are going to be significant enough and sufficiently attractive to young people to induce them to participate in our involvement in Southeast Asia.

I understand that in the Australian experience, the principal consideration was the unemployment question. When they instituted the volunteer army, they had relatively high unemployment. As soon as that unemployment was met with economic expansion, the bottom, effectively, fell out of the whole volunteer army system in Australia. The Australian experience does not suggest that we should expect any savings from a volunteer army.

I wonder if the Senator would reveal to us any information he has about other industrial countries that have tried to introduce this system and tell what additional savings have been made with the institution of volunteer armies. Because I suspect the record of other countries that have attempted it has not been quite as sanguine as my colleague from Oregon suggests.

Mr. HATFIELD. I am happy to say to the Senator, in response, that I think he has posed at least two questions here. He attempts to draw an analogy to the Australian situation, and I think, upon reading the Gates Commission report, the Senator would find this is a most inappropriate analogy, and that it is not possible to draw a valid analogy between Australia and this country.

Let me quote from page 171 of the report, addressed to that very question:

> Some has cited the Australian decision to return to a draft as evidence that an all-volunteer force is not feasible for the United States. There are several reasons why this argument by analogy is inappropriate. First, the Australians have not made a concerted effort to attract additional recruits on a voluntary basis. Once the decision was made to use conscription to raise force levels, no serious effort was made to increase voluntary enlistments either by raising pay or redoubling recruiting efforts. Second, the Australian economy is heavily unionized and apprenticeship programs requiring four or more years deplete the pool of men available for military service. Third, Australia has enjoyed a rapid growth in its economy (the unemployment rate is about 1 percent) which makes civilian jobs relatively more attractive than military service. Finally, civilian earnings significantly exceed military pay rates. Civilians receive over-time and other supplementary compensation in excess of the common wage rates set by the government for both the military and the civilian economy.
>
> The Australians could have expanded the size of the Armed Forces on a voluntary basis by raising pay—

What we are planning to do here—

> and reorganizing recruiting.

Which we provide in this amendment:

> Given the important differences between the two countries, one cannot conclude that the Australian experience shows that the United States would be unable to attract enough recruits on a voluntary basis if energetic and efficient recruiting were combined with competitive rates of pay.

Let me add one further point as to the second question that I believe the Senator from Massachusetts raised, and that is, have we any other evidence of any other countries? Yes, we have. We have very outstanding evidence in both Can-

ada and Great Britain, where they have instituted this kind of system.

Mr. KENNEDY. How did the force levels in Britain change over a period of time after they adopted a voluntary army? Have they increased, remained the same, or been reduced?

Mr. HATFIELD. Let me respond to the Senator's question with a quotation of further facts from this report:

The Canadian Armed Forces have always been entirely voluntary except for the period from 1940 to early 1945. The Canadian forces presently number slightly less than 100,000 men—

Mr. KENNEDY. 100,000 men?

Mr. HATFIELD. 100,000 men—

supported by an annual inflow of about 12,000 men.

So that is the situation as far as Canada is concerned.

Mr. KENNEDY. The Senator is not suggesting that the fact that the Armed Forces of Canada have been able to raise 100,000 men demonstrates that we can have a voluntary army here with our much broader military obligations.

Mr. HATFIELD. That was not the question the Senator from Massachusetts asked.

Mr. KENNEDY. Well, I was talking about some kind of comparable experience. Because 100,000 men does not even meet the present demand for troops in Vietnam——

Mr. HATFIELD. Would the Senator care to suggest some country that is comparable, in terms of the obligations we maintain?

Mr. KENNEDY. No, but is there an industrialized society that has to any extent a force level, in terms of total population, which would be comparable to the United States? Canada, quite clearly, with 100,000 men, is not.

Mr. HATFIELD. I would say there is no country comparable to the United States as far as the requirements that we have for military forces. Perhaps the Senator would be willing to accept Great Britain. But he is not going to find any country that has the requirements we have today for the maintenance of a high manpower level in the armed services, because of our international commitments and our international involvements.

Mr. KENNEDY. All right.

Mr. HATFIELD. Consequently, the Senator is asking a question for which it is impossible to provide an answer.

Mr. KENNEDY. Well, I just questioned using the example of Canada as a possible response to my question. I think Great Britain may be a useful example if the Senator would indicate to us what their force levels were prior to the time that they went to the volunteer army, and what gradual reductions in force levels have been experienced since the transition to a volunteer army system.

Mr. HATFIELD. Yes.

Mr. KENNEDY. Because I do not think anyone has demonstrated on this floor, that we could get a volunteer army that would reach even 2 million men, with the kind of pay raise the Senator suggests. I am questioning that point.

Mr. HATFIELD. Let me make the record clear here, because I would not want the Senator's implication to stand as a fact. We have today a volunteer military force of more than 2 million.

Mr. KENNEDY. But that is not completely accurate. Surely the Senator does not mean to suggest that the 2 million who volunteered were not influenced by fear of the draft?

Mr. HATFIELD. The Senator was not here earlier to hear the very careful description we made, based upon these two reports. If the Senator has other studies, I shall be glad to study them, but these two, one prepared by the Defense Department and the other by the Gates commission, have both indicated very clearly that in our Armed Forces today there are between 2 million and 2.25 million true volunteers, of which 1.25 million are men beyond their first tour of duty.

Mr. KENNEDY. Well, the Senator has the figures. I do not have them handy. Does he have the Marshall Commission figures on this particular question?

Mr. HATFIELD. No. I have studies more recent than the Marshall Commission report. The Marshall report was in 1966.

Mr. KENNEDY. But did not the Defense Department study you refer to precede the Marshall Commission?

Mr. HATFIELD. 1966 was the Marshall report, and we are now dealing with the report of 1970. But I might say that the Gates Commission report is based upon the Defense Department's own study figures.

Mr. KENNEDY. All I mean to say is that the Marshall Commission looked into this very question as well; and, their report being one of the basic documents, I was wondering whether the Senator had the results of that report.

Mr. HATFIELD. I do not have the Marshall report here. I have later reports. I do not have the Marshall report in its total form, but I do have these figures from the Marshall Commission report. They set their base at 2.65 million men and estimate that it would cost between $4 and $7 billion. The Gates Commission concludes that $2.12 billion would be needed to expend annually for a stable force of 2.5 million.

So when we raise these reports, we have to determine the base we are starting from, because we have different bases from different studies.

Mr. KENNEDY. I am sure the Senator from Oregon will say that we are just as justified in relying upon the Marshall Commission report, with their estimates, as we are on the Gates Commission report.

Mr. HATFIELD. No, I would not say that; because the Gates Commission report is a more recent report. I think it probably represents a more thorough approach and study than does the Marshall report.

Mr. KENNEDY. That is really a question of personal subjective judgment, I am sure. As a matter of fact, it seems to me, in looking through the Gates Commission report, that there was a good deal of reliance upon many of the findings of the Marshall Commission report.

Mr. HATFIELD. I think it is quite obvious that all these commissions are required to use certain basic data that would be similar to all of them.

Mr. KENNEDY. That is correct.

But if the manpower level were going to be 2.6 million, does the Senator question the Marshall Commission report about the cost of a voluntary army?

Mr. HATFIELD. Yes. Let me just point out one or two things about the Marshall Commission. They did not estimate the recruitment short fall and the elasticity of supply correctly. Consequently, their pay projections, I believe, can be considered as less than totally accurate.

Using the $17 billion figure—let us take that as a point—a first-term enlistee would receive $13,045 annually.

Consequently, I think we are dealing here with quite a range of calculations that makes the Marshall report less reliable, in my opinion, than the Gates report, which sets a pretty clear base upon which they make their calculations.

Mr. KENNEDY. As I understand—I wish the Senator would correct me if I am wrong—this $17 billion figure was developed in the Defense Department study report. Am I not correct? It was developed by a distinguished citizen of the Senator's State, as I recall—Dr. Oi.

Mr. HATFIELD. Dr. Oi, from the State of Washington, the University of Washington.

Mr. KENNEDY. Those figures were propounded by the Defense Department, not the Marshall Commission report. But in any event, both studies run contrary to the recommendations that were made to the Gates Commission. The Senator would agree with me on that, would he not?

Mr. HATFIELD. The only thing I would agree with is that all these reports are using certain basic DOD data, and each commission, I suppose, has a certain approach to its assignment and perhaps certain preliminary or prior commitments or convictions.

I should like to take note of one interesting thing on this point. Within the knowledgment that the members who came together to serve on the commission came together with certain prior viewpoints. Yet, as they moved into the data and made their evaluations and studies, it was a unanimous report.

Consequently, I think that one has to say that any commission is going to start its assignment with certain prior commitments, convictions, or viewpoints. But the important thing is that as these commissions made their studies and came forth with their recommendations, there is the widest range of representation on the Gates Commission, that a far more in-depth program was undertaken by the Gates Commission. Therefore, I would say that because of its more recent date, 1970, we are dealing with much more current viewpoints as it relates to our national commitments and international commitments.

I am not saying that one has to pick one report over the other. They all have made their contribution. I am saying that I would like to pick the latest findings, the latest commission study, because I think it is far more current.

I should like to point out one thing further to the Senator from Massachusetts. The Marshall Commission was not

concentrating, was not focused, upon the issue of the voluntary military. The Gates Commission was specifically studying that particular issue.

Mr. KENNEDY. As the Senator pointed out earlier, the Gates Commission was appointed by the President and realized that the President had made certain statements during the course of the campaign on the desirability of a volunteer army. I am not prepared to suggest that the Gates Commission was either required or forced to come out with an endorsement of the volunteer Army; but, as the Senator pointed out quite clearly, these commissions started off from different points of view.

Mr. HATFIELD. I would point out to the Senator from Massachusetts that both the Marshall Commission and the Gates Commission did have some continuity or similarity of staff people, so there was some relationship between these commissions.

Mr. KENNEDY. I take the Senator's word for that. I was rather interested in the Senator's comments yesterday——

Mr. HATFIELD. Let me comment before that, if the Senator will permit me to interrupt, on the last implication, that the President had made certain statements in the campaign, the implication being that perhaps the commission might reflect those statements of the President.

I think it is amply clear that the President, Mr. Nixon, has appointed a number of commissions; and, as one reviews some of these commissions, it certainly has not followed that they have reflected the prior statements of the President. I would only cite one as an example this morning, and that is the commission studying pornography.

The preliminary—or at least, the announced—findings thus far of that commission certainly do not reflect the prior statements of the President of the United States. Therefore, I would not want the record to show that there was any implication here that the President's prior statements would have had that kind of effect upon a commission studying the voluntary military.

Mr. KENNEDY. As the Senator pointed out, the Gates Commission was established to get into the question of the volunteer army, its prospects, and was directed toward that particular question, as I recall, rather than toward making a broad and general survey of how to eliminate the inequities in the present draft system, including the question of a volunteer army, which was the charge of the Marshall Commission.

Mr. HATFIELD. Let me point out again that it was very clearly indicated that all those who had been appointed to this commission by President Nixon did not have common agreement as to their viewpoint at the time of their appointment, so it was not as though we had a stacked commission.

Mr. KENNEDY. I was interested in the Senator's comments yesterday about the ability to raise the armed forces that will be necessary through the volunteer system. The Senator quoted several military leaders as being authorities on this point.

I am wondering whether the Senator has had the kind of experience I have had in going around to colleges and universities and asking the young people how many of them would actually volunteer for the Armed Forces. I recall a comment by the distinguished Senator from South Carolina in which he said that he has done that at nine or 10 universities and has a volunteer army of about seven and a half. He said that at one college a fellow put up about half an arm.

I am wondering what the Senator could add to the consideration of this question from the impressions he has gathered from his travels to universities and colleges.

Mr. HATFIELD. I would be happy to share my experiences which now total close to 200 campuses I have visited in the past 2½ years discussing this subject, not in each and every instance, but on a goodly number of campuses.

I have found, one, that the young people of this country today overwhelmingly—I do not now include any minority, hard-core revolutionary groups—I am talking about the overwhelming number of university students today—have great, great desire to experience in their lifetime an opportunity to make a major contribution to their country.

In other words, I find no overwhelming desire to shrink from a responsibility to one's country among our student population.

I think they feel that service to one's country is not looked upon as being exclusively carried out or performed in a military uniform.

I find that students today are interpreting service to their country to mean people, not just geography, national boundaries, or a national state. They see it as their fellow man. There is a certain universality in their philosophy about their fellow man, in all parts of the world. This has proved true by their response to the Peace Corps, VISTA, and other such programs.

Two, I find that the students today evidence a growing concern about the coercive element in our society, the kind of regimentation, the kind of authoritarianism which they feel Government policy represents and in the civilian sector, meeting certain military requirements such as the draft represents.

I think, too, when we look at the attitude of the student toward the military today, we cannot divorce that from their attitude toward Southeast Asia and the war in which we find ourselves. That particular point is hard to distinguish because it is so interrelated. But I am saying that a number of young people today are indicating support for a volunteer military.

Let me give the Senator the range. We have men like Sam Brown and Dave Hawk who were active in organizing the moratorium program. They might be considered as being of a different philosophical persuasion than the YAF which is the Young Americans for Freedom. They have all endorsed this amendment. In other words, here is a broad range of what we would call, without labels, liberal to conservative, and we should also consider men like Roy Wilkins, and Ralph Abernathy who are certainly in touch with the members of the black community, and the YMCA, which is another representation of today's youth, all of whom endorse this proposal. So, if I were to respond in a general, one-sentence statement, I would say:

I find overwhelming support for a voluntary system.

I want to emphasize strongly, however, that I do not ascribe to our young people today any lack of patriotism or lack of desire to serve their country. I think there is great danger, when we say on the one hand that the young people do not want to join the military and, through implication, that they do not sense a responsibility to their country.

When we look at the ROTC programs on many of the campuses where I have visited, those programs are filled. I find that in the applications coming to my office for appointments to the Army, Navy, and the Air Force Academies, the young men from my State who are applying represent young men such as student body presidents, captains of football teams, and many top students academically. So that we will get the highest caliber of young men out of high school in Oregon today who are applying, through my office, to the service academies.

Thus, in every way that I can measure it, I believe that the young people of this country will perform their duty to their country at any time their country has a requirement for them. I have that kind of confidence in the students of today.

Mr. KENNEDY. I am wondering whether the Senator has had an opportunity to ask young people, when he goes to these college and university campuses, how many of them would volunteer.

I have yet to find even a small minority in the schools, colleges, and universities that I have had a chance to visit showing any enthusiasm. Everyone seems to be for a volunteer army, but I think the fundamental question is, how many young people who go to college will actually volunteer?

With all respect to the Gates Commission report, and to General Gruenther's experience in recruiting, the attitudes of students in the schools, colleges, and universities today, attitudes I know the Senator must be very much aware of, have led me to the very strong feeling that we would not be able to get many college students in a volunteer army.

Mr. HATFIELD. Mr. President, I should like to comment further on the question the Senator from Massachusetts poses to university students by asking them how many would volunteer. I do not really think one could expect to get much in the way of results from that kind of question. Of course, I accept the Senator's report this morning. But let me remind the Senator from Massachusetts that only 8 percent of the draft manpower pool are being conscripted. Thus, we are dealing with a hypothetical attitude. How could any young man answer that question if he is not looking forward to a career in the military?

Only 8 percent are being drafted. Therefore, there is no volunteer system

today as it relates to those in the draft manpower pool. That is, they are all subject to the draft. I do not think we can make this measurement, or give them an alternative, until there is a viable alternative to ask them that question.

Mr. KENNEDY. The Senator is assuming, correctly, that university students are sufficiently intelligent and aware of what a volunteer army is. They are probably better briefed on the question of a voluntary army than many Members of this body. They know that a voluntary army would mean in terms of payments, in terms of, perhaps, an increase in educational opportunity. But I really challenge the Senator to find out how many young people—especially those going to college—will volunteer. I had the opportunity to do so in my own State. It has been extraordinary to find such an unenthusiastic response. At first, when I asked the question, there was a sprinkling of hands of people who would volunteer, but today this is virtually nonexistent.

Mr. HATFIELD. Does the Senator purport to represent this as some kind of scientific poll?

Mr. KENNEDY. No. But I asked the question enough times to convince me that there was not much interest in the military. I think my experience would convince any open-minded Senator that volunteers for a volunteer army are just not there from any of the universities, colleges, vocational trade schools that he might mention. I do not question that, perhaps, in some of our urban areas, in Appalachia and other areas, or in Alaskan native villages, where the young people have never been beyond the fences of their own homes or reservations, one could talk to young people about the benefits of a voluntary army and there would be some volunteers. I do not question that at all. But that is one of my objections to a volunteer army in wartime. Its appeal will only be to less affluent Americans. The more fortunate young men will not have to serve.

Mr. HATFIELD. Does not the Senator realize that the average draftee is 19 years old and a high school graduate? I mean, the Senator is developing a conscription system primarily from the same basis of what we think about as student deferments.

Mr. KENNEDY. I am opposed to student deferments.

Mr. HATFIELD. Mr. President, the point is where are the draftees coming from today? Are they coming from the universities and colleges from which the Senator from Massachusetts has not been able to get much of a response concerning volunteering? Not at all. We are talking about the high schools. That is where the average draftees comes from.

Mr. KENNEDY. The draft system, which I support, reaches across the board.

Mr. HATFIELD. The Senator is correct.

Mr. KENNEDY. I find a paucity of people in the high schools or in the colleges or universities who say they will volunteer. Maybe the situation is different in the State of Oregon. But I seriously doubt it.

The thing that I do not doubt is that I can go to places in my own State, in the lowest income areas, and offer the kind of pay which is suggested in the amendment of the Senator and come up with some individuals who will volunteer because they are being denied an opportunity to participate in our society in a meaningful way. The armed forces, in their judgment, offers them the only opportunity to fulfill their desires. I do not question that.

Mr. HATFIELD. Mr. President, let me ask if the Senator will yield for a question. Is the Senator in support or in opposition to a comparable pay program for the military serviceman?

Does the Senator feel that we have a comparable pay situation today?

Mr. KENNEDY. I do not think we have a comparable pay situation.

Mr. HATFIELD. Would the Senator support a pay increase, particularly for enlisted people, at this time?

Mr. KENNEDY. A modest pay increase, yes; but not in the Senator's figures. I would support a modest pay increase. Probably it would not be comparable pay.

Mr. HATFIELD. The Senator is for a modest pay increase but not for comparable pay.

Mr. KENNEDY. A modest increase; that is correct.

Mr. HATFIELD. Is the Senator aware that we have at least 12,500 military personnel receiving welfare checks today because they qualify under welfare status?

Mr. KENNEDY. I was aware that there were some; yes.

Mr. HATFIELD. Does the Senator not agree that this is something that needs to be done?

Mr. KENNEDY. Yes. But it is a question of priorities with our budgetary problem and our pressing civilian needs, I do not think a $3.2 billion military pay raise has the highest priority.

Mr. HATFIELD. Mr. President, let me reiterate what I think is something that we should keep before us. This amendment does not repeal the draft.

I think the colloquy on the inequity of the draft this morning has been a good discussion. I have enjoyed it. But let us not lose sight of the fact that the colloquy this morning on the elements of the draft do not really concern us at this moment in this amendment.

This amendment simply adds to the pay scale of those serving in our military branches on the basis of affording comparable pay. It goes beyond the modest pay increase expressed by the Senator from Massachusetts.

From the standpoint of those who cosponsor the amendment, we believe that the young men serving in the military today ought to have comparable pay to that which they could otherwise earn in civilian life. We think this is equitable. We do not think a man serving in the military should be put on a basis of second-class citizenship. We do not think we should say to him, "You don't have the right to comparable pay."

We who sponsor this amendment do not believe that is fair or equitable. We do not believe that our ideals and our concepts of Government should perpetrate this upon our young people.

I want to make it very clear that this amendment will not decide the continuation or lack of continuation of the draft. If we agree to this amendment, we will have almost a year to answer some of the questions that the Senator has raised to his satisfaction and permit him then to support negative action or lack of action to permit the draft to expire.

This is the purpose of those of us who cosponsor the amendment. We will have almost a year in which to see whether we can recruit men and get a sufficient number on the basis of increased pay to have a volunteer army or military. But we cannot transfer from one system to another without a realistic transition period.

That is why we have offered the amendment today. I appreciate the comments from the Senator from Massachusetts, because he and I have discussed this matter before. I respect his viewpoint.

I feel that we are working for the same objectives. I feel that our differences perhaps are on the basis of procedures by which to accomplish those objectives.

Let me say again that this amendment in no way commits Congress to action either by extending the draft or by doing nothing and permitting it to expire.

Mr. KENNEDY. Mr. President, if we are talking about comparability or pay increases, this is something else again. I think all of us want to do justice to those who are being called to serve in the Armed Forces. But, as I said, I think we have to balance that against other kinds of economic needs.

I am not prepared at this point to debate that matter. But I am prepared to point out that on page 4, line 1 of the amendment, it states:

> The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the nation through a voluntary program of enlistments.

And no matter how we say it, that is a volunteer army.

I do not question that we can get volunteers. But the kind of volunteers we will get are those in our society who have been disadvantaged in one way or another and who will look to the Army as being their only means of getting out of a more difficult and perhaps more hopeless situation.

I quite sincerely challenge my good friend, the Senator from Oregon, to inquire at the colleges and universities and the community colleges of his State or any State. He will find there, I am sure, that the young people are for the voluntary army.

If he asks how many are prepared to volunteer, I think the Senator will find a much better indication of the sentiment of these young people than the report of the Gates Commission, with all due respect, and the findings of General Gruenther. And he would perhaps understand more fully my concern about the inequities of an all-volunteer army.

Mr. HATFIELD. I thank the Senator from Massachusetts. I would restate that

I think we are dealing with a very unrealistic hypothesis when we try to take a poll or make some kind of a survey as to how many college or university students will volunteer for military service when that is not the source from which we derive our inductees and draftees. They are not coming from the colleges and universities. They are coming from the high schools.

Mr. KENNEDY. The Senator is not accurate in that statement. With the abolition of graduate student and occupational deferments the random selection system is more and more applying to all young men.

Mr. HATFIELD. Let me point out again that when the Senator speaks of random selection he is dealing with a manpower pool of 12 million.

Mr. KENNEDY. But the draft is beginning to assume that out of those 12 million, college students serve as well as others.

Mr. HATFIELD. I am sure the Senator from Massachusetts would agree that we are not drawing from college students proportionately in relation to the inductees we take into the draft each year. The fact remains we still have from that group of people he referred to rates of enlistment of true volunteers.

Mr. KENNEDY. But surely college students will not volunteer even nearly as much as men from the lower income groups.

Mr. HATFIELD. But let me remind the distinguished Senator from Massachusetts that when he talks about this group, we might take the blacks as one such disadvantaged group in this country. We have 11.7 percent in the Army through the draft program and enlistment program. At the same time——

Mr. KENNEDY. Would the Senator tell me the reenlistment rates for blacks in Vietnam?

Mr. HATFIELD. I have the overall reenlistment rates.

Mr. KENNEDY. Would my good friend tell me the reenlistment rates for blacks in combat divisions in Vietnam?

Mr. HATFIELD. First I would like to finish my thought. The ratio of blacks to the total population is about 12 percent; so we have comparability with those who are serving as volunteers, forced volunteers, or inductees. That is the point we should keep in mind.

Mr. KENNEDY. The point I would like to keep in mind is the rate of reenlistment in combat divisions in Vietnam. There are twice as many among the minority groups. In the 1st Cavalry I believe, 42 percent of the reenlistments were black. The reason is they get additional pay for jump pay or combat pay.

The question we have to decide is whether the volunteer army will be made up solely of the poor people in this country, the people who are denied the opportunity for economic or other reasons, of going to school or college and getting good jobs.

Mr. HATFIELD. I think the Senator has put his finger on probably the most fundamental point of all. The Senator pointed to the fact that in this country, outside the military, there have been conditions growing over a period of time which have denied certain people in this country the same rights to achieve and progress as other people. But must we put that responsibility upon the military procurement program we adopt in this country? I believe the Senator has been a leader in attempting to rectify this situation, and I have indicated my involvement in trying to change the condition in this country. We have made a commitment to the poor and the black in this country that we are going to provide them with equal opportunity.

Mr. KENNEDY. Mr. President, I will say to my dear friend from Oregon that I will be the first person to support the volunteer army when we rectify those inequitable conditions. When we eliminate these conditions, I will be the first to support the volunteer army.

Mr. HATFIELD. I hope the Senator does not forget that the enlistment rates for those below the poverty line and for blacks are approximately the same irrespective of the method of recruitment. In other words, what difference does it make at this point whether a black or a poor person thinks he has a better opportunity if he goes into the military to achieve greater status, income, and dignity under a draft system rather than a voluntary system?

Mr. KENNEDY. The question is whether under a volunteer army system all who serve will be poor. I think they will be and I object to the volunteer army for that reason.

Mr. HATFIELD. I suggest two things: Reenlistment rates of whites are substantial today under a draft system. Therefore, I think while we hope to establish a purely volunteer system, the reenlistment rates would be greater because there would be more adequate comparable pay. Second, because there has been a denial of lack of opportunity for those in our civilian society, let us not thrust on the military program the responsibility for that inequity in our society. We in Congress must move and do our job and maintain our responsibility to correct those inequities. But I do not think we should put the onus for those inequities upon the military and indicate it is their responsibility by some implication.

I would like to quote one other statement from the Gates Commission report. The Senator was concerned about whether we would be able to maintain our volunteer rates with the war and all that is going on now. Under the Department of Defense study, the Gates Commission, which drew from those studies, it is indicated we have the same number of volunteers today as before the Vietnam war.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, will the Senator from Oregon yield for a moment or two so that a colloquy may ensue at this point? I hate to bring this spirited debate to an end. It has been very interesting and helpful.

Mr. HATFIELD. I yield.

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. GRIFFIN. Mr. President, the distinguished majority leader is in the Chamber and I would like to ask him if he would enlighten the membership concerning the program for the remainder of the day and the week, if possible.

Mr. MANSFIELD. Yes, indeed. I am glad to respond to the acting minority leader. I am delighted the chairman of the Committee on Armed Services is in the Chamber. This request has been agreed to by the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Arkansas (Mr. FULBRIGHT), and the distinguished minority leader (Mr. SCOTT).

Mr. President, I ask unanimous consent that on amendment 813 there be a time limitation of not to exceed 1 hour, the time to be equally divided between the Senator from Mississippi (Mr. STENNIS), the manager of the bill, and the Senator from Arkansas (Mr. FULBRIGHT), the sponsor of the amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, I shall not object. I think we can get through with that amendment and dispose of it today.

Mr. MANSFIELD. I would imagine there will be a vote on that amendment, although what the outcome will be I do not know.

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

Mr. MANSFIELD. Mr. President, there is a possibility that a second Fulbright amendment may be called up but we will have to wait to see what happens.

Tomorrow the distinguished Senator from Illinois (Mr. PERCY) will offer an amendment under a 1-hour time limitation, as, hopefully, will the Senator from Indiana (Mr. BAYH) and the Senator from Maryland (Mr. TYDINGS).

After those amendments have been disposed of it is the intention of the joint leadership to call up Calendar No. 1129, H.R. 18127, an act making appropriations for public works, and so forth. That is the public works appropriation bill and there will be time available in which to consider it. The leadership gave serious consideration to calling up that measure this afternoon but it could not because of developments over which there was no control and which came up overnight. Therefore, to the best of my knowledge, we will have at least one amendment to be voted on this afternoon, and maybe another one. There will be three tomorrow. When disposed of, the Senate will take up the public works appropriation bill.

Mr. GRIFFIN. I thank the majority leader.

Mr. MANSFIELD. I thank the Senator from Oregon for yielding.

The ACTING PRESIDENT pro tempore. Does the Senator from Mississippi ask that the unanimous consent be held up for the time being?

Mr. STENNIS. With respect to amendment 813? No, I do not.

The ACTING PRESIDENT pro tempore. Without objection, the request is agreed to.

ORDER FOR RECESS TO TOMORROW

Mr. MANSFIELD. Mr. President, if the Senator will yield further, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

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

(Later in the day this order was modified to provide for a recess to 9 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the Journal has been approved and the unobjected to items on the calendar have been disposed of, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 20 minutes.

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

Mr. MANSFIELD. And that at the conclusion of his remarks the Senate then return to the pending business.

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

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 1749) for the relief of Eagle Lake Timber Co., a partnership, of Susanville, Calif., and it was signed by the Acting President pro tempore (Mr. ALLEN).

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

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

The PRESIDING OFFICER. The Chair recognizes again the Senator from Oregon (Mr. HATFIELD).

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

Mr. HATFIELD. I yield.

Mr. DOLE. First, as a cosponsor of the amendment, I wish to commend the distinguished Senator from Oregon for his continuing leadership with reference to the all-volunteer Army proposal. For my information, does the Senator from Oregon know at this time when the amendment might be considered.

Mr. HATFIELD. The chairman of the Armed Services Committee, the Senator from Mississippi, the majority leader, the minority leader, and I discussed this matter yesterday. We stood ready for a time agreement, and we are ready to move on a time agreement, but it was not satisfactory to the chairman of the Armed Services Committee.

So I can only give the Senator a general estimate, and that is that even though we stand ready now for a time limitation, it provides that the amendment will not be laid before the Senate before Monday, and a vote had not before Tuesday, or perhaps even Wednesday.

Mr. DOLE. If the Senator will yield further, one question raised in the colloquy yesterday between the distinguished Senator from Oregon and the distinguished Senator from Missisippi was with reference to the possible effective date and whether or not adoption of the amendment would amount to repeal of the Draft Act. Speculating with the Senator from Oregon on the possibility of arriving at a compromise, if the amendment of the Senator from Oregon were effective when the President determined it was in the national interest, could the apparent conflict he avoided between those opposed to an all-volunteer army for that reason and those of who now support the all-volunteer army proposal.

Mr. HATFIELD. In response to the Senator from Arkansas, at the present time, under the wording of the amendment, it would be implemented on the first calendar month following enactment as far as the pay increase is concerned. I would like to emphasize again, as the Senator from Arizona (Mr. GOLDWATER) emphasized this morning, the amendment in no way commits the Senate to action on the draft, which is due to expire June 30, 1971. It in no way commits the Senate to that question. It commits the Senate only to an implementation of a pay increase, which would be comparable pay to civilian employment, or an approximately 60 percent increase for the enlisted rates and an approximately 25 percent increase for junior officers.

Therefore, we do not really confront the question of the expiration or of action on the draft.

Second, let me point out that it is the very intention of those of us who have been cosponsoring this proposal that it is a step toward an all-volunteer military. The Senator from Kansas, who holds the Purple Heart and many other awards for distinguished military service, realizes that every program for recruitment cannot be cranked up 1 day after the expiration of an existing system on the previous day. Therefore, there must be some sort of transition period.

We feel that from this point until June 1971, almost a year from now, we would have ample time to make a judgment and an evaluation of whether or not recruitments and enlistments were increasing sufficiently to meet our needs, whatever those needs may be at that time. Therefore, we avoid the kind of problem that would occur if we tried to throw out one system one day and start another system the next day.

That is why we feel it so important to implement this new effort, to get that period of testing and experience, to see how people respond to it. That is why I think it is important to do it now.

Mr. DOLE. Let me say to the Senator from Oregon that I agree largely in his response. There appears to be a very serious question, however, whether there may be a gap between the effective date of this legislation and the expiration of the Selective Service Act, assuming that act were not extended.

I am only suggesting a possibility that might bring together some with differing views, whereby the amendment would be implemented, when determined by the President as Commander in Chief to be in the national interest.

The President, whoever he may be, is the Commander in Chief of the armed services and of course has a direct interest.

I would also point out, as the Senator from Oregon knows, that President Nixon, should he be the President, is a strong supporter of the all-volunteer-Army concept. We have a President who supports the concept, but who questions when it should be implemented.

I am simply raising that possibility in an effort to reach some accommodation.

Mr. HATFIELD. May I respond to the Senator from Kansas that I appreciate his idea of getting support for the basic commitment we have in common, which is an all-volunteer armed force. I would point out that the Senate is going to have to make a decision on the question of the draft before the next presidential election. In other words, I think we can pretty well depend, with God's protection and grace, that Mr. Nixon will make the decision on implementing this measure, if it is to be implemented, between now and June 1971. Otherwise, if it is not implemented at this point, we are going to be faced with the probability of having to extend the draft, come next June, for at least another year, and maybe two. Whatever the length of time, we will be faced with that reality.

That is why I feel the sooner we can implement this proposal, the sooner we can get perhaps a more accurate base on which to determine whether this Nation is ready at this moment for an all-volunteer armed force, based on whether we can get the needed manpower. We will have that amount of time and have that experience in order to make that kind of judgment in June. We will have alternatives. We will not be faced with only having to extend the draft for another year or another 2 years—which would be about the only alternative as I see it, at that time.

Mr. DOLE. There is a great deal of merit in bringing up the amendment at this time as we should move forward.

I understand there have not been full and complete hearings but I am realistic and knowing that hearings might be held, but that no bill would be reported to the Senate.

So this is an opportunity to present the amendment and at least discuss the pros and cons. If we can assure the American people, young and old, that there will be no gap, it will be a great step forward.

Mr. HATFIELD. I think that the Senator, here again, has raised a most valid

point, and one that the record should certainly show, clear and unencumbered by any confused language, and that is that we are doing this at this time in order to avoid a gap, and this is what I believe to be at least the best insurance we could get against just that one thing, the gap that the Senator refers to.

If we implement this at this time under this pay increase, the cost question has been raised, that the cost is such today that if we cranked the whole thing down to zero inductions, we would be saving about $3 billion, according to the best figures we can get from Gates Commission. This Commission has indicated about a $3.2 billion cost under the various components and the pay program, and rather than an added-on figure, I think it could be shown that, after a transition period, we would be trading one figure for another: that is, the $3 billion it would cost us for the draft as opposed to $3 billion for an all-volunteer system. But in addition, we would be getting far more for our money, because we are going to have less turnover than with our inductees today, and the military services are going to require fewer men for training programs and training stations, who can then be reassigned to other functions.

So I think there are many savings that could be effected by an all-volunteer system. The Senator from Arizona said this morning he believed we would actually save money, with less outlay than we have today under the conscription system.

Mr. DOLE. As I understand, only about 7 percent of the young men drafted now stay in the Armed Forces beyond their 2-year obligation. According to the Gates Commission there would be very little difference in the cost question, which would mean, with the lower turnover, as the Senator from Oregon has pointed out, less expenditures for training. You start with the same number, but they remain longer under the volunteer concept.

Perhaps the senior Senator from Massachusetts raised a valid question. I have asked a number of college students about the voluntary army, and find a great many are for it, because they do not plan to volunteer. But this is a fact of life. Many of these same young students are now in college because of a draft deferment, so they are in a sanctuary, in any event.

The idea is to get away from peacetime conscription, which may not be involuntary servitude, but something close to it. So the concept, so far as I am concerned, is sound. There will be inequities, but in an effort to answer some of the objections, I have prepared a list of a number of questions and then have tried to provide appropriate responses. I ask unanimous consent to have printed in the RECORD at this point some of the usual objections raised to the all-volunteer army concept, together with some of the responses to those arguments.

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

OBJECTIONS AND RESPONSES—VOLUNTEER ARMY

I. COST

One objection often registered against the all-volunteer army is that it is simply too expensive.

Responses

(1) The President's Commission On An All-Volunteer Armed Force (The Gates Commission) has estimated that the cost of the program, if it is initiated in fiscal 1971, would be $3.24 billion.

(2) But this figure does not take into account savings due to reductions in personnel turnover. As the Gates Commission Report noted: "When force levels are stabilized, the additional expenditures needed in the transition to a voluntary force will be partly offset by savings engendered through lower turnover and a reduction in the number of persons in training status."—page 8.

Other authorities have commented on these savings:

(a) "Lower turnover means that fewer recruits must be trained, producing considerable cost savings since at present there is nearly one trainer for each trainee."—Walter Y. Oi, professor of economics, College of Business Administration, University of Rochester in Current History, July, 1968.

(b) ". . . At the present time, only about 7 percent of the young men drafted stay in the Armed Forces beyond their 2-year obligation.

"This high turnover rate causes many of the services' most experienced personnel to be tied down in training new recruits. Today, seven out of every 10 men in the Army have less than 2 years military experience. As one Pentagon military official has noted:

" 'As soon as we are able to operate as a unit, the trained men leave and we have to start all over again.' "—Senator Hatfield on the Senate floor. Congressional Record, volume 115, part 2, page 1432.

(c) "The essential wisdom of the American scheme of allocating its resources through voluntary mechanisms rather than through government management needs to be extended to this important area of human resources where the costs of misallocation are measured in years, productive and important years, of hundreds of thousands of our citizens."—Scholars Committee on Selective Service Report to President K. S. Pitzer Stanford University, page 12.

(d) "Every young man who has served in our armed forces knows the incredible waste of our persent system of forced but short-term service. He knows the money that could be saved, the new efficiency that could result from a volunteer system which calls on young men not to endure two years of service because they have to, but to choose it for a longer period because it offers advantages that seem to them appealing."—Adlai E. Stevenson, speech at Youngstown, Ohio, October 18, 1956. In the Congressional Record, volume 115, part 2, page 1437.

II. FLEXIBILITY

Some opponents argue that an all-volunteer army would undermine our military flexibility.

(A) An all-volunteer army would not provide us sufficient military manpower. The volunteer concept simply cannot work.

(B) Given time the concept will work, but not under present circumstances. We need a more gradual phase-out of the draft.

Responses

(1) In case of a national emergency, the President will have authority under the Hatfield amendment to request a standby draft by a joint resolution of Congress. If the need is clear, Congress would respond. As the Gates Commission concluded: "The Commission has recommended a standby draft which can be put into effect promptly if circumstances require mobilization of large numbers of men. History shows that Congress has quickly granted the authority to draft when needed"—page 13.

(2) The volunteer system could certainly provide us the same number of men as we employed before our involvement in Vietnam. The Gates Commission program is based upon a force of 2.5 million men, roughly the same figure (2.48 million men) as we maintained in the force before Vietnam.

(3) In fact, the all-volunteer force would enhance, rather than undermine, the flexibility of our military. The guerrilla wars of the 1960's and 70's require well-trained compact units, as opposed to the large masses of men that conscription produced for our World War II commitments.

As Mr. Nixon pointed out in a speech of October 17, 1968:

"Conscription was an efficient mechanism for raising the massive land armies of past wars. Also, it is easier and cheaper simply to order men into uniform rather than recruiting them. But I believe our military needs in the future will place a special premium on the services of career soldiers." Congresional Record, volume 115, part 2, page 1434.

III. BLACK AND POOR PEOPLE

It has often been suggested that the all-volunteer army would attract a disproportionate number of poor people, especially blacks, thus leaving the burden of national defense primarily on them.

Responses—Poor people

(1) It is unfair to criticize the all-volunteer army because it might, in increasing salaries to improve the force, attract those who are presently unable to earn higher salaries elsewhere. It is not the all-volunteer army which is to be blamed; rather we should take further steps to insure that good paying jobs become available throughout society.

(2) There are some jobs in society which are often considered to be unattractive and often dangerous. But no one considers that employees to be exploited, since they take the job voluntarily and receive adequate remuneration.

Responses—Black people

(1) No matter where the poverty line is drawn, there will always be a greater number of whites than blacks who fall into that category. The Gates Commission provided some statistics: "The proportion of blacks below the poverty line in 1967 was 38 percent while only 11 percent of whites were in the same category. But, in absolute numbers more than twice as many whites (17.6 million) as blacks (8.3 million) were below the poverty line"—page 142.

(2) When we look at true volunteers under the present system, we do not find a disproportionate number of blacks. The Gates Commission commented: "Among true volunteers, blacks are now serving in the armed forces almost exactly in proportion to their numbers in the U.S. population"—page 144.

(3) It is physically impossible, just in terms of numbers, for blacks to compose the majority of the armed forces. Economist Milton Friedman, writing in The New Guard, noted: "It has been estimated that even if every qualified Negro who does not now serve were to serve, whites would still constitute a substantial majority of the Armed Forces."

(4) Two concluding remarks should be made concerning blacks serving in the all-volunteer army:

(a) Present advances that are being made in providing equality for blacks should mean that more jobs will open up in the civilian economy. This would reduce the likelihood that blacks would turn to the army in disproportionate numbers.

As Mark Hatfield commented: "As we expand the opportunities in the civilian job sector, fewer black men will find the military to be the most attractive road to higher economic and social status, and this will tend to place an effective ceiling on the proportion of blacks who enlist."—speech reprinted in CONGRESSIONAL RECORD, volume 115, part 7, page 8670.

(b) The Gates Commission made the following prediction on the number of blacks that would serve in the all-volunteer force:

"For the Army, we estimate that the proportion of blacks will be 17 percent for the mixed force and 19 percent for the voluntary force as compared to 12.8 percent in the Army today."—page 15.

IV. MILITARISM

Opponents to the all-volunteer army may argue that it would destroy the constitutional and traditional subordination of the military to the civilian sector. The expression often used in connection with this argument is "mercenary army," describing a bloodthirsty force that kills for cash.

RESPONSES

(1) It is unrealistic to suggest that employing only volunteers at higher pay would completely transform the military-civilian relationship or that it would make drastic changes in the motives of our men.

(a) "To suggest that men who enlist to serve their country do so only for pay is to demean the hundreds of thousands who voluntarily serve today. More than half of all the men in today's forces are true volunteers." The Gates Commission Report, page 136.

(b) "A mercenary is a soldier of fortune—one who fights for or against anyone for pay. What we're talking about now is American soldiers, serving under the American flag. We are talking about men who proudly wear our country's uniform in defense of its freedom. We're talking about the same kind of citizen armed force America has had ever since it began, excepting only the period when we have relied on the draft." Richard Nixon, campaign speech, October 17, 1968.

(2) It should be noted that the only real change in the composition of the army's personnel will be in the lower ranks. The higher echelons, which are composed of career men anyway, are the ones who determined the relationship of the military to the civilian sector.

(a) "The danger of military elitism comes primarily from the officers who are, and always have been, professionals. The civilian influence must be injected at the top—in the office of the Secretary of Defense and the Secretaries of the Army, Navy and Air Force, if we are to establish safeguards against the dangers of a military clique or class. The possible military threat to political stability is largely unrelated to the system used in recruiting enlisted men."—Senator Hatfield, Congressional Record, April 29, 1969.

(b) "To the extent that a military force endangers freedom and democracy, the danger comes from the higher ranks of commissioned officers, all of whom are volunteers, as are most of the lower ranks of officers and all of the higher ranks of noncommissioned officers. Using conscripts instead of volunteers in the lowest enlisted grades, and those are the only ranks in which we use appreciable proportions of conscripts, is no protection—as was illustrated by recent coups in Greece and South America."—W. Allen Wallis, University of Rochester in Science, March 28, 1969.

V. THERE ARE SOME LESSER WORKABILITY ARGUMENTS WHICH COULD BE ADVANCED

You should be aware of these:

(1) We, and specifically President Nixon, could be taking steps now to enhance the attractiveness of the military, short of adopting an all-volunteer system.

(a) Senator Scott alluded to this on the floor July 27, 1970:

He noted that President Nixon can and should be ". . . gradually replacing those draftees who are presently serving in Vietnam with volunteers . . . By sending only volunteers to Vietnam to replace those soldiers whose tours of duty in Vietnam have ended, the administration can take the lead. It can visibly demonstrate that the volunteer concept is a viable one."

(b) "The President would like to reduce the draft gradually and to improve the quality of the military services by increasing their appeal. He has asked Secretary of Defense Mel Laird to prepare new programs that will encourage men to re-enlist.

"Laird is ready to offer up to 10,000 new family units, educational opportunities for servicemen who would like to study, and various financial inducements. He is even willing to abolish KP and hire civilians to do the hated kitchen work."—Jack Anderson, "Volunteer Army is Far in Future," *The Washington Post*, March 27, 1970, page D–15.

(2) How can we possibly attract doctors and other high-skill people since they can no doubt always make better pay in the civilian economy?

(3) Will all branches of the armed forces receive the same pay? If so, won't everyone seek to serve in areas or branches (Navy or Air Force) which would entail the least direct risk?

(4) We could end the inequities of the present draft system by ending deferments and initiating a program of national service for everyone. This would obviate the need for the all-volunteer force.

Finally, we propose three reasons why the draft should be replaced with an all-volunteer system:

(Note that counter-proposals, such as the one above for National Service, would not answer all these points.)

I. Conscription is the greatest enfringement of personal freedom in America today.

"We should recognize that (the draft) is about the most odious form of Government control we have yet accepted. We should not forget that it is a basic violation of our traditions of freedom and individualism."—The Wall Street Journal, March 1967 editorial.

II. The present draft is unfair and inequitable.

(A) Even under the lottery system, with the risk supposedly spread equally, some young men are forced to serve while others are not.

"Any system which selects only some from a pool of many will inevitably have some elements of inequity."—President Nixon in his message to Congress, May 13, 1969.

(B) It is discriminatory within society as a whole since those who are forced to serve are burdened with a "hidden tax."

(1) "Whatever the extra amount, we are paying a larger sum in concealed form. Conscription is a tax in kind—forced labor exacted from the men who serve involuntarily . . ."—Milton Friedman, "A Volunteer Army," *Newsweek*, Dec. 19, 1966.

(2) "We shift the cost of military service from the well-to-do taxpayer, who benefits by lower taxes, to the impecunious young draftee."—John Kenneth Galbraith, "The Case for a Volunteer Army," *Time*, Jan. 10, 1969.

(3) "Men who are forced to serve in the military at artificially low pay are actually paying a form of tax which subsidizes those in the society who do not serve. Furthermore, the output of the civilian economy is reduced because more men serve in the military than would be required for an all-volunteer force of the same strength."—*The Gates Commission Report* page 9.

III. It is inefficient and real costs can be reduced. Drafted men lack the desire and intensive training that would exist under the all-volunteer system.

(A) "A volunteer army would be manned by people who had chosen a military career rather than at least partl by reluctant conscripts anxious only to serve out their term. Aside from the effect on fighting spirit this would produce a lower turnover in the armed services, saving precious man-hours that are now wasted in training or being trained. It would permit also intensive training and a higher average level of skill of the men in the service. And it would encourage the use of more and better equipment. A smaller, but more highly skilled, technically competent, and better armed force could provide the same or greater military strength."—Milton Friedman, The New Guard.

(B) The Association of the U.S. Army (AUSA), which does not advocate a volunteer army, concluded nonetheless that "an all-volunteer force should be a more efficient one."

Mr. DOLE. I thank the Senator for yielding.

Mr. HATFIELD. Mr. President, I should like to comment briefly on what the Senator from Kansas has said, because I believe he is putting his finger on a number of good points.

The idea that somehow the draft provides us with an across-the-board, more equitable system of recruitment than an all-volunteer system, merely because college and university students are not responding to a question as to whether they are going to volunteer, if we carried that logic to its conclusion, we would not accept any volunteers in the military.

Mr. DOLE. That is very true. And a great number of people would volunteer as generals, but not many want to volunteer as privates. The Senator from Oregon, the principal sponsor of the amendment, understands that one way to attract young men into the Army is through realistic pay scales. Perhaps some of those would be college students—perhaps not any great number, but, as the Senator knows, our induction rate is very low now. Our draft calls will be down to practically zero next year. In fact, as Secretary Laird has already announced, I do not recall in which month, but in one of the coming months the draft call will be zero, because of volunteers and deescalation in South Vietnam.

The Senator gave the figure; was it only 8 percent who are reenlisted, out of the drafted manpower pool?

Mr. HATFIELD. Yes.

Mr. DOLE. So we are not discussing any great departure. We are proposing a realistic proposal that would make it attractive for young men to enter the service and to have some comparability with those on the outside as far as pay scales are concerned. That is the primary thrust of the Senator's effort.

Mr. HATFIELD. That is correct.

Mr. DOLE. I do not believe it is a radical departure. It is not an effort to create some mercenary force; it is not an effort to create an all-black army; it is not an effort to create an army composed only of poor people. I agree with the Senator's earlier statement in that we are going to have pretty much the same black-white ratio we have now; maybe a slight increase of blacks, but a very slight increase.

The objections should be answered. This is a serious question. It is a departure in some sense, but not the radical departure many feel it is, because they fail to understand the volunteer concept. It has great merit, and I support it.

Mr. HATFIELD. I appreciate the comments of the able Senator from Kansas, because here again I think we have to realize, when the Senator speaks about this not being a radical departure or an innovative scheme that has not been tried, that for 170 years of this Nation's history, we relied completely, to provide military services for this country, on a volunteer system. For 170 years; this is the first time in the history of this Nation that we have tolerated peacetime conscription.

The Senator knows the history of conscription in this country; it has been used only in times of great emergency—the Civil War, World War I, World War II—and I think the fact is that we have come to accept it as a way of life because it is the easiest thing to do, and that we, therefore, have not really attempted to put into action a voluntary system, which would be far more in keeping with the history of this Nation than a conscription system.

I think when we look at Canada, Great Britain, Australia, and the other countries of the Western World which have relied upon a volunteer system and have done so successfully, that it is certainly a general indication; even though they are not comparable at all to our country's requirements and commitments, it certainly shows that other countries as well as the United States have been successful in the raising of armies and other military branches on a volunteer system, plus the fact that we, today, have a volunteer program providing the military manpower for the Marines, the Navy, and the Air Force, and it is only the Army for which we basically have to rely on the draft for manpower.

I do not think we would have to do that if we returned to the tradition of this country by providing equitable pay. I do not think it is fair for the men themselves to bear the cost of their own military service. The taxpayers should pay for the military requirements of this Nation, and that is all the amendment proposes.

One last word. President Nixon has made it very clear, both in his campaign and in the Republican Party platform of 1968, as well as the Republican Party platform of 1964, that this Nation, under his leadership, is committed to an all-volunteer army.

Let us not read more into what the President has said, or try to interpret the President, because he has stated it very clearly in a radio message he gave to the American people during the 1968 campaign. He predicated the timing of this change on a diminished manpower requirement in Vietnam. So I think it ought to be very clear that we are not claiming the President has endorsed this particular amendment at this time; but the President has stood very clearly and firmly in support of the concept, as well as both major political parties, Democrat and Republican, in their party platforms.

Lastly, I think this gives the President and Congress an opportunity to undertake this through a reasonable transition, in a very responsible way, to see if it will work; I for one believe it will, but it certainly will have at least almost a year to determine the validity of my belief.

Mr. DOLE. I have the exact comment that then candidate Nixon made on October 17, 1968. He addressed himself to the voluntary army concept and also the objection it would be a mercenary force. He said:

> A mercenary is a soldier of fortune—one who fights for or against anyone for pay. What we're talking about now is American soldiers, serving under the American flag. We are talking about men who proudly wear our country's uniform in defense of its freedom. We're talking about the same kind of citizen armed force America has had ever since it began, excepting only the period when we have relied on the draft.

I believe that is the statement that the Senator from Oregon had in mind.

Mr. HATFIELD. Yes.

Mr. DOLE. The President made clear without equivocation; that he supports the all-volunteer army concept.

Mr. HATFIELD. I would say further, in connection with the point about the number of draftees serving in Vietnam, which has been discussed this morning, that we have the figures which indicate that 88 percent of the infantry riflemen in Vietnam are draftees; but under President Nixon's withdrawal projections, they will have left by this time next year—that is, those who are being withdrawn—and we expect to have most of those draftees out of Vietnam. As of July 1, 1970, we find, computing the total armed force strength in Vietnam, that approximately 25 percent of them are draftees.

So that we have, again, the basis of a mixed force fighting in Vietnam. It is not a matter of having all our draftees there and our professionals or nondraftees elsewhere.

Mr. President, I look forward to the continuation of this discussion, and I am hopeful that the chairman of the Committee on Armed Services can——

Mr. EAGLETON. Mr. President, will the Senator yield, with the understanding that he will not lose his right to the floor?

Mr. HATFIELD. I yield.

Mr. EAGLETON. Mr. President, I will vote against the Hatfield amendment to create an all-volunteer Army.

The effects of this amendment would be so far reaching that I feel it is unwise to just tack it onto another bill without full and extensive Senate committee hearings.

I have several serious questions about a volunteer Army which should be answered in such hearings.

First, what will it cost? According to the Department of Defense, it would cost $4.3 billion, but some observers estimate it could cost far more. When the budget deficit for this fiscal year is currently estimated at over $10 billion—when there are desperate needs in such areas as education, health, housing, and the environment—I believe Congress must seriously study both the total cost of this proposal and its priority as it relates to other national needs.

Second, would a volunteer Army increase the already substantial power and influence of the military on American life?

Third, what effect would this amendment have on the war in Vietnam? Although I oppose the war in Vietnam, and am a cosponsor of the McGovern-Hatfield amendment to end the war, the effects of precipitately instituting an all-volunteer Army in the midst of a war need further and serious study.

Fourth, what are the alternatives? Although the Gates Commission which studied the volunteer Army concept released a report of over 200 pages, only four were devoted to "Alternatives to an All-Volunteer Force." I think possible alternatives deserve more consideration.

Fifth, is the push for an all-volunteer Army a reaction to the tragic involvement in Vietnam rather than a needed and practicable reform? After all, in peacetime we virtually have an all-volunteer Army and in times of war some type of draft will probably be necessary anyway. What is really gained?

I believe questions such as these should be explored in depth in legislative hearings and that it is not sufficient to adopt such a far-reaching program by the simple expedient of an amendment to a bill on the floor of the Senate.

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

Mr. EAGLETON. I yield.

Mr. STENNIS. Mr. President, I am very much impressed, indeed, with the fine analysis of this problem—the points involved and the consequences of the adoption of this amendment—put forth by the Senator from Missouri. I think that with his fine, analytical mind, he has analyzed the matter clearly and has made an excellent contribution to the debate.

Mr. EAGLETON. I thank the Senator from Mississippi. And I thank the Senator from Oregon for yielding for this purpose.

Mr. HATFIELD. I am not so sure that I am glad I yielded at this point, but I am happy to say that I appreciate very much the questions raised by the Senator from Missouri; because I think he has raised not only valid questions but also questions that really go to the very heart of this amendment, and for which we certainly feel we have the material and the data to give response. I would like to have the privilege of a copy of the Senator's questions. They certainly deserve more than an off-the-cuff response at this point.

I think that by reading the colloquy that took place this morning, the Senator from Missouri will find that we did address ourselves to most of these questions, and I would be happy to go into greater depth on the points he raises.

Mr. President, I am about ready to yield the floor. Before I do so, I want to reiterate that the cosponsors of this amendment and I are and have been ready to reach an agreement on time. I am hopeful that the chairman of the Committee on Armed Services, together with his colleagues who oppose this amendment, can come to some kind of agreement so that we can look forward to a vote—not trying to hurry the debate but recognizing, as the Senator from Mississippi said yesterday, that the Senate is trying to clean up its work, trying

to move ahead, trying to accomplish its task here within a reasonable period of time. I want it understood that we who are the proponents of this amendment do not want to hold up the business of the Senate in any way. We feel that this is important business, but we are ready—have been and stand ready today—to reach an appropriate agreement on time.

On that basis, I am happy at this time to yield the floor.

Mr. STENNIS. Mr. President, I wholeheartedly agree with the Senator about his intention to move along on the bill. I know that is his position. It certainly is my position. As I said this morning, this matter is of such far-reaching import, so highly important, that I thought it could not be condensed into a few hours of debate. As soon as I get evidence that the facts have drifted through here, I will be willing to have some controlled time.

The PRESIDING OFFICER. The amendment has not yet been offered, the Chair would point out.

Mr. STENNIS. It is very much in debate, however.

CURBING THE BOMB THROWERS

Mr. FANNIN. Mr. President, senseless cowardly acts of violence continue to plague our Nation. A young police officer with five children is the latest innocent victim in the malicious pattern of bombings that has lasted all too long and appears to be growing even worse. What could be more despicable than to set a fatal trap for an unknown man answering a call to help someone in distress?

Yet, that is what happened to patrolman Larry Minard who was killed in a dynamite explosion at Omaha, Nebr.

And on the same day, an explosion in a Federal building at Minneapolis, Minn., caused a half-million dollars damage. To the South, in Atlanta, Ga., and in the Fort Lauderdale, Fla., area, there were firebombings of businesses and schools.

Mr. President, these shocking events come on the heels of Senate hearings which brought out some startling statistics on the extent of bombings.

Assistant Secretary of the Treasury Eugene T. Rossides reported that from January 1969, to April of this year there were 4,330 bombings, an additional 1,475 attempted bombings and, t reported 35,-129 threatened bombings.

Assistant Attorney General Will Wilson pointed out the FBI alone had investigated 776 bombings and arson attacks during a period of just over 18 months. Property damage in these attacks amounted to $24 million, 11 persons died, and more than 100 persons were injured. Wilson noted that the number of bomb threats to Federal buildings soared from 46 in fiscal 1969 to 383 in fiscal 1970. Actual arson or bombing incidents went up from 13 to 38 in a single year.

Mr. President, all of this makes it abundantly clear that we must proceed with all possible speed to take action to curb irresponsible and demented persons who perpetrate the bombings.

One step in this direction is the administration's proposal to beef up Federal law against bombing. The proposal would leave the primary responsibility for stopping bombings in the hand of local law enforcement, but would provide new authority for Federal action when it is needed.

The bill would expand the definition of explosives and broaden the provisions against transporting explosives or incendiary devices with knowledge they are intended to be used to kill, intimidate or injure persons or damage property.

Among other things, the bill also would provide severe penalties for bombings which cause injury or death. Several provisions in the bill are aimed at curbing the bombings of Federal buildings.

This bill introduced by the distinguished Senator from Nebraska (Mr. HRUSKA), currently is before a Judiciary subcommittee, which, I understand, is awaiting the report on the Government Operations Committee which held the hearings on bombings.

Mr. President, this legislation may not be a complete cure to the bombings, but it is a step in the right direction.

Recently there was an outcry when it was revealed Federal agents had in some instances checked library records to see who was reading books on how to make bombs. There was surprisingly little concern over the fact that books on bombmaking may be readily available to disillusioned or violently revolutionary individuals. In our society, libraries rightfully are free to choose the books they will stock and to distribute such books to those who want them. Bomb-making knowledge now apparently is widespread among the so-called revolutionaries and would be revolutionaries. It would be almost impossible, even if we tried to keep this information out of the hands of those who are violence-prone.

Many of the bomb-throwers and their supporters see their activities as a major step in an attempt to overthrow the traditional American form of government. Citizens of our Nation have not been confronted with a problem of this type or magnitude before.

Our recourse, it would appear, is to provide the tough penalties to deter those who would become involved in bomb-throwing incidents. And at the same time we must give law enforcement the tools so that bomb-throwers will know punishment will be swift and certain.

Legislation providing for closer control of explosive materials also would help deter the would-be bomb-thrower.

There is no justification for bombings.

No grievance is so great as to warrant use of a weapon which maliciously destroys property and kills innocent citizens. Bomb-throwers are cowards who are afraid to meet their problems—real or imagined—face-to-face.

In Wednesday's Washington Post I noted a story in which former Attorney General Ramsey Clark is quoted as praising radical dissenters and condemning calls for law and order. Clark reportedly told students meeting in St. Paul that calls for law and order are entirely emotional and to many ears they mean repression.

This is a strange comment coming from a man who not long ago was supposed to be the chief advocate of law and order in the United States.

I do not believe it is repression to demand that people with grievances use the many legitimate channels of peaceful and effective protest they have in this Nation rather than turning to violence.

I am not calling for repression.

I have not heard anyone in the administration call for repression.

But I will agree that if violence such as bombings and planned rioting are to become regular tools of the dissenters, there will in the future be calls for repression. Acts of terrorism eventually inhibit freedom.

Democracy in America has flourished because it has offered a maximum of both freedom and security for the individual.

When public safety wanes, when individuals no longer feel safe in their homes, on the streets or in public buildings, then the people are likely to turn to the very type of repression the so-called revolutionaries now imagine they are fighting.

Action on legislation to curb bombings is a step toward freedom—freedom for the mass of people threatened by unreasoned violence. More effective anti-bombing legislation would be a move to avoid the repression that worries Mr. Clark and others.

Mr. President, again, I urge the Senate to move as rapidly as possible in enacting legislation S. 3650 to curb bombings and arson.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA

Mr. SCOTT. Mr. President, I have reference to a Calendar matter which I, of course, have no intention of calling up, but I simply want to make a comment on it.

I refer to Calendar Order No. 1134, H.R. 18725, which would provide for a nonvoting delegate to the House of Representatives from the District of Columbia.

I take the time simply to point out that there is no hold on this side of the aisle on this bill. I would not make the statement except that statements have been made to District of Columbia officials to the effect that there exists a hold on the part of representatives on the nonvoting delegate matter.

This is not the case. There is no hold. We have no objection to the bill being called up on the call of the Calendar at

any time. We are prepared to proceed. I am prepared to support it. I would have no objection to a constitutional amendment being brought up.

I do not believe that any votes on the constitutional amendment would be affected adversely or otherwise by our action on the bill. This is a small step for the District of Columbia, but a great step for recognition of a lot of people. And I see no reason whatever why we should not be voting on a nonvoting Delegate for the District.

It makes no difference to me whether the delay in this matter comes from one person or another, from one Senator or another, from one section of the country or another. The delay is exactly the same if we are not acting upon it. Therefore, with full respect for the views of every other Senator, I think it should be made crystal clear—if I might use the expression—that there is no reason on our side of the aisle why we should not vote on the nonvoting Delegate bill on the next calendar call or as expeditiously as we can.

Mr. President, I hope this will put to rest any concern existing in the District to the effect that there is some objection. There is none. There has not been any objection to my knowledge since I have had cognizance of the bill being on the calendar. I have been informed of no objection.

If this matter is being held up, those who are holding it up will have to assume full responsibility for it. I will not assume any at all.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE SITUATION IN THE MIDEAST

Mr. RIBICOFF. Mr. President, I am saddened and perplexed by our Government's treatment of a stanch and trustworthy ally—Israel. While I cannot help but be impressed by the State Department's zeal in pursuing its present peace initiative, I am most distressed over its refusal to face the unpalatable, but undeniable fact of serious Soviet-Egyptian violations of the cease-fire along the Suez Canal. Either the Soviets and Egyptians have emplaced at least a dozen new missile batteries of six launchers each inside the ceasefire zone since August 8—or they have not. I am skeptical that our own intelligence sources cannot verify this after more than 11 full days. Israeli intelligence is acknowledged by our Government as being excellent—and its past reliability is not in doubt. Why then is it not considered reliable in this case?

But the State Department's reply yesterday to these grave charges is essentially one of "see no evil, hear no evil, speak no evil."

The rather remarkable statement by the Department spokesman yesterday begins with the following paragraph:

> We have concluded that there was forward deployment of surface-to-air missiles into and within the zone west of the Suez Canal around the time the ceasefire went into effect; there is some evidence that this continued beyond the ceasefire deadline, although our evidence of this is not conclusive.

What this says is that there are new surface-to-air missiles in this zone, but we still aren't sure this constitutes violations even though there is evidence this occurred after the deadline. But if there have been violations, the State Department feels they are not important anyway. Israel is in effect told—why worry, let us proceed with the talks, and not confront the violators with facts. Meanwhile, the Soviets and Egyptians are being permitted to do what the Israel Air Force prevented them from doing for 6 months.

This reply coming after the shameful incident of the U.S. transmission of Israel's acceptance of the cease-fire to Ambassador Jarring, must be treated seriously. This handling of Israel's charges could be a sad lesson in how to lose friends and alienate people, if it were not so frightening in its implications for Israel's survival and American interests.

Israel originally agreed to the latest U.S. initiative knowing full well how it could affect her most vital security interests. The Government of Israel in deference to our own President did not make public its grave doubts over the ultimate wisdom of Secretary Rogers' initiative. At the expense of splitting its coalition government she accepted our initiative. In doing so, Israel relied on our own country reassurances that it would guarantee the terms of the proposed limited cease-fire and insure that the military balance was not further tipped against Israel. Now Israel is being scolded for complaining about severe violations of this arrangement which have, in fact, drastically altered the balance along the canal.

State Department officials have been described in the press as being "irritated" over the fuss the Israelis are making. But the dispute here is not over a trivial matter—it is Israel's very existence. One cannot help but draw a parallel to a situation in which a victim of a criminal assault is charged by a policeman at the scene of the crime with disturbing the peace because she screamed, while her assailant goes free.

The drama which has unfolded in Israeli-American relations during the past few weeks could charitably be described as a sell-out. Actually, it is worse than that. A sell-out in international relations implies that in return for sacrificing another nation's interests, you gain something in return. I fail to see how the United States will benefit from her failure to provide Israel with a minimum of diplomatic and military support at this crucial juncture.

Will we really achieve "peace in our time" in the Middle East? Will we gain the admiration of the Russians for our self-induced myopia in overlooking her missiles? I think not. By now it should also be clear that we will not be able to woo the radical Arab states away from Russia by a gradual erosion of our support for Israel.

If war is too important to be left to the generals, the pursuit of a lasting peace in the Middle East is too vital to be left to the Arabists in the State Department. I wonder how "even-handed" these specialists can be after spending their foreign service careers almost exclusively in Arab countries. But in recent months, in the hope of finding a solution to a complex problem, they have been given their head. The results now unfolding reveal a disaster for both Israel's security, and the United States' strategic interests in the Middle East. I, too, favor quiet diplomacy—but not when it is used to quiet the truth.

The Russians are firmly entrenched—both literally and figuratively—in parts of the Middle East.

The Israelis have bled for 22 years to defend themselves from Arab aggressors seeking their destruction. All during this time, however, their first priority was to seek peace and reconciliation with their Arab neighbors. It still is today. But the issue is no longer the Arab-Israeli conflict. Israel is now facing the most up-to-date Soviet jet aircraft flown by Russian pilots and serviced by Russian technicians. All of Egypt bristles with the latest Soviet missiles manned and defended by Soviet personnel. Egypt alone has five times the number of supersonic aircraft Israel has—and the number of Russian-piloted planes alone exceeds Israel's small total.

By recklessly choosing to ignore the Soviet buildup in the Canal Zone during the cease-fire, the United States is forcing Israel into a corner. We are unwittingly encouraging Egypt to attempt a canal crossing under the cover of Russian missiles and planes whenever she feels she is ready militarily.

As a result of what the State Department prefers to term "inconclusive evidence," Soviet missiles now cover not only the Egyptian side of the canal, but portions of the Israeli-held side to a depth of over 10 miles. It is meaningless now to mouth the vague reassurance of not permitting a shift in the balance of military power. It has already shifted—due to Russian boldness and American timidity during the past year.

Stripped of her ability to provide air cover for her vastly outnumbered troops, Israel is being forced to make a choice between piecemeal surrender or new costly military action—with unforeseen consequences for all the parties involved. I have no doubt which course she must choose. The failure of the United States to impress upon the Soviet Union the necessity of honoring the current cease-fire is a clear signal to the Russians that the security of Israel is a secondary consideration, and that we will accept peace talks on Russian terms. But Israel is not prepared to stake her national existence on the good intentions and magnanimity of the Soviet Union.

Mr. President, I have watched events in the Middle East since the 6-day war in the hope of finding some signs of movement toward peace. But the Western powers have encouraged Arab intransigence and greater Soviet involvement by pursuing their own narrow in-

terests. There was the shameful episode of the French arms embargo, where France acted retroactively in denying Israel the Mirage jets for which she had already paid. There was the British refusal to sell Israel Chieftain tanks, tanks which Israel actually helped design. These policies were largely motivated by fears of disruptions in oil supplies.

By the same yardstick of national interests, one can explain Russian expansion into the Mediterranean area in terms of a desire to reopen the Suez Canal, and to gain warm water ports, and air bases. However, I fail to see what interests of the United States are served by the present actions of the administration in undermining Israel's position on the eve of the peace talks.

Mr. President, this administration has to date failed to supply a single jet aircraft to Israel except for those delivered under an agreement made by President Johnson. Not a single American tank has been added to Israel's increasingly obsolete armored forces—except those captured from Jordan in the 6-day war. True, we have permitted Israel to make restricted purchases of other equipment here for cash on the barrelhead. And we profit handsomely from these commercial sales.

As a result of these expenditures, Israel must now spend 30 percent of her gross national product on defense needs. The United States, with its worldwide commitments, spends only 9 percent. The threat to Israel posed by Russia's military might is immediate and real. Four attacking Russian Mig–21's were shot down by Israeli flyers shortly before the cease-fire. Perhaps Israeli pilots can teach the Soviet air force a thing or two—but they should not have to stand up to the Soviets without modern aircraft.

Mr. President, Israel's current conflict with the Soviet Union, and Israel's proven readiness to sacrifice her own blood and treasure, calls for the extension of the Nixon doctrine to the Middle East. This doctrine, first enunciated by the President at Guam, can serve as the basis for a rational American policy in the Middle East today. The doctrine, as explained in the President's State of the World message states:

> The United States will keep all its treaty commitments.
>
> We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.
>
> In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

In this message, the President further explained that—

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them—and erode their belief in our commitments—they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet, if we do too much, and the American forces do what local forces can and should be doing, we promote dependence rather than independence.

Israel has shown three times in 20 years how well she can fight to defend herself. She does not need American troops—nor does she want them. Israeli-American relations do not require a formal treaty commitment. The bonds between our two nations are too real and too deep to require this formality. But Israel does need our help and support now—not against her Arab foes—but against the Soviet Union.

Israel is proud to be in a position where she assists 26 developing nations in Africa. But it must be remembered, Israel is a country the size of New Jersey, poor in natural resources, and with a population of less than 3 million. If we can provide supporting assistance funds to a country like Haiti—surely Israel is as worthy a recipient. Why should U.S. military and economic assistance be lavished on corrupt dictatorships who devote more effort to repressing internal dissent than fighting external enemies?

Events are moving very quickly. Israel, for good reasons feels she has been seriously let down by the United States.

If our own Government finds it more convenient to force Israel to swallow serious truce violations than to insist on Soviet and Egyptian adherence to the agreement, then our own role as a peacemaker is underminded. And our credibility as a world power in this region is undercut.

Here in the Senate within the past 3 months, there have been two clear and overwhelming manifestations of support for Israel. At the end of May, some 76 Senators joined in a letter to Secretary Rogers urging the immediate dispatch of jet aircraft to Israel. During this past month, 72 Senators wrote to President Nixon affirming support for his forthright statements of July 1. These were expressions of the belief that Israel is a valuable material and spiritual asset to the United States, and is worthy of our support.

Mr. President, history will have to pass judgment on the actions of our Secretaries of State and Defense during this current troubled period. I must admit I have found their recent statements puzzling and disturbing. The deterioration today in United States-Israeli relations, and the growing Russian threat in the Middle East calls for the continuing personal attention of our President. Traditionally, Israel has been able to rely on the statesmanship, courage, and compassion of our Presidents. President Nixon, too, has these attributes of leadership.

For the good of our country, for the sake of a genuine peace in the Middle East, and for the benefit of mankind, I am confident that the President will pursue an honorable course for the United States at this critical juncture.

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

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Iowa.

Mr. HUGHES. Mr. President, I wish to commend the distinguished Senator from Connecticut for calling attention to the very critical problem in the world today in which our country is directly involved in trying to bring about a peaceful situation. Lord knows, we are all seeking peace. I would like to ask the distinguished Senator a few questions in relation to his address.

Does the Senator believe there is evidence that forward moving SAM sites have been, in fact, completed or installed since the cease-fire was called for?

Mr. RIBICOFF. There is no question in my mind that this took place. I believe the American intelligence community will assure the Senator concerning the accuracy and the superiority of Israel intelligence over these many years. As a matter of fact, Israel intelligence and American intelligence have often worked closely together, and the best intelligence on the Middle East comes from Israel sources.

The pictures that were shown yesterday, taken by Israel sources, are not controverted. It is interesting to note that neither Egypt nor the Soviet Union has denied the fact that these missile bases have been moved forward. What to me is so disturbing is the fact that the United States, unwilling to face up to this situation, has been unwilling up to yesterday, and then with mealymouthed language, failed to even acknowledge it has taken place. Now, as I read the press and understand the situation, the United States has forwarded a letter or a private complaint to Egypt and the Soviet Union, with a great degree of timidity.

Let me tell the Senator from Iowa what bothers me. The Russians are tough. The Russians are smart. The Russians are unsentimental. The Russians, beginning in February, have been pushing Israel and especially challenging the United States to see what the American response would be. And this effort has continued with a continued buildup of jet planes, jet supplies, and missile bases in Egypt, and the United States has basically remained silent.

As a matter of fact, last February the President of the United States forwarded a private letter of complaint to the Soviet Union concerning the situation, and it is my personal belief that the President of the United States was treated almost with contempt by the Soviet Union in its response to the President of the United States.

If the Soviet Union—and the Israelis are smart enough to realize this—get to feel that they can take any step they want without the United States calling the turn or even publicly calling the Soviet Union and the Egyptians for their activities, it spells out a disaster for Israel because it means that Israel will go into peace negotiations under the aegis of the United Nations and the four big powers. France is against Israel. England does not count very much in international affairs and will not do anything. The Russians stand four-square with an all-out commitment to the Egyptians. If the United States does not take a strong position in those negotiations, what it spells out to the Russians and Egypt is that they can make any demands they want and Israel will be forced against the wall and forced to take

a dictated peace against her interest, and the United States, which is supposed to be and to remain her ally, will not exert her great power against the Soviet Union. This is a potential tragedy to the American interest in the Middle East, and also is a question of life and death for Israel.

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

Mr. RIBICOFF. I yield.

Mr. STENNIS. I am compelled to leave the floor on an urgent matter. I am very much impressed by the remarks made here by the Senator from Connecticut. I respect his judgment. I know his fine summary is correct on the facts. He points up a very serious situation. I was one of those who signed the letters that he mentioned. I am glad the Senator has spoken. I think he has made a contribution here and elsewhere on this subject.

Mr. RIBICOFF. I thank the Senator. May I say, while the Senator is present, because he is chairman of the Armed Services Committee, and may I say for the benefit of other Senators, that some of the historical facts which appear are very important in America's relations with Israel. The Senator, who is chairman of the Armed Services Committee, has a right to take pride in his continuous appraisal of the Joint Chiefs of Staff and the Military Establishment. The Joint Chiefs of Staff and practically every military man in this country who has had the responsibility has recognized the problem of America's basic interest in the Mediterranean area, NATO, the Indian Ocean, and the Persian Gulf. The Defense Department has usually been sympathetic to the problem of Israel in relation to the U.S. interests.

The same cannot be said of the State Department. Historically, the State Department has always been pro-Arab, and against Israel. If it had been for the State Department, there would not have been an Israel, and Israel would not have survived.

Every President of the United States has had a distinct understanding of this problem. It is only because Presidents of the United States have repudiated our own State Department time and time again, that America's interests have been retained in the Middle East, and Israel has survived.

That is why it is so important today that President Nixon follow his predecessors in office, whether it be President Roosevelt, President Truman, President Eisenhower, President Kennedy, or President Johnson, in this realization, because the President of the United States understands the world picture and understands the interests of the United States.

That is why there is so much dismay in the hearts of the Israelis, and those who understand the situation, because they know that the Arabists in the State Department, whose training has been basically in Arab countries, whose sympathies are with Arab countries, are continually trying to sell the interests of Israel down the river to the different Arab dictatorships.

Mr. STENNIS. I thank the Senator. I must leave.

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

Mr. RIBICOFF. I yield.

Mr. HUGHES. I believe the Senator indicated, and I will ask him in order to clarify the matter, that the State Department had indicated that there was substantial evidence that there may have been construction of SAM sites over and above the completion of those already begun, though they felt the evidence was not conclusive. Am I right in that?

Mr. RIBICOFF. I will read a portion of the Department's statement again. The statement is as follows, and I quote the State Department:

> We have concluded that there was forward deployment of surface-to-air missiles into and within the zone west of the Suez Canal around the time the ceasefire went into effect; there is some evidence that this continued beyond the ceasefire deadline, although our evidence of this is not conclusive.

In my opinion, that is doubletalk. I think the State Department's conversations—and different members of the press have reported this—that the State Department is angry that the Israelis had the consummate gall to call attention to these violations of the cease-fire, and to do it publicly.

I think the Israelis would have had to be absolutely insane if they kept quiet when this was going on in violation of the understanding and agreement. The Israel Government was close to breaking up over the question. The coalition government split up because there was a big body of opinion in the Israel Government and among the population that believed there should not have been only a limited cease-fire. I think the Israeli Government was correct in agreeing to the cease-fire, and the Israelis put their trust in the U.S. Government. I can understand the dismay in the hearts of the Israelis today when they see what has taken place in the past week.

Mr. HUGHES. Did the Senator further say that these forward SAM sites are being manned by Soviet personnel, or is there evidence of that?

Mr. RIBICOFF. No; I do not have proof that they are being manned by Russian personnel. My understanding is that the SAM–2's that have been put in the forward sites are being manned by Egyptians. There are reports that Russian supervisors at these sites have been killed in Israeli raids.

But basically, they are Soviet SAM sites. They use Russian missiles, the Egyptians do not manufacture them. The Egyptians have been completely trained by the Russians, and, while I do not know about the particular ones that have been moved into the so-called neutral zone, basically there has been Soviet supervision of the SAM missiles. The feeling is that, while there is no proof that the Russians actually fired them, they are so complicated and sophisticated that the Russians have been supervising and giving the directions at the most localized level.

Mr. HUGHES. Would the Senator be kind enough to refresh my memory on what President Nixon's pledge was to the Israelis, in return for the cease-fire?

Mr. RIBICOFF. The President assured the Israelis the United States would continue to maintain a balance of power. He assured the Israelis that they would have secure and agreed-upon borders before withdrawal, and that the vital interests of the Israelis would not be sacrificed if they accepted the cease-fire.

It was with these assurances from the President of the United States that the Israelis accepted the cease-fire.

Mr. HUGHES. Does the Senator feel that there has been some substantial slipping of this pledge during the following days?

Mr. RIBICOFF. I would say that without question there has been slippage in the pledge. It took place in two ways. First, when the Israelis accepted the cease-fire, they transmited to the United States their acceptance, emphasizing that they would accept the principle of withdrawal only to secure and recognized boundaries, as stated in the U.N. Security Council resolution of November 1967.

When the Secretary of State forwarded the Israel acceptance to Ambassador Jarring at the United Nations, for transmission to Secretary General U Thant this condition was deleted. This vitally impairs the Israel position, and came as a great shock to them because it changed the frame of reference of the Israel understanding.

There is an article in today's Washington Post, which I ask unanimous consent to have printed in the RECORD at this point, by Columnist Joseph Kraft in which he details what took place during this period.

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

ISRAEL IN DANGER

(By Joseph Kraft)

On Thursday, Aug. 6, Prime Minister Golda Meir of Israel picked up the phone and put through a call to Washington's chief action officer for the Near East, Assistant Secretary of State Joseph Sisco. She wanted to draw urgent attention to a point in the frame of reference for the negotiations that would follow a cease-fire.

Next day Ambassador Itzhak Rabin was summoned to a 10 o'clock meeting with Secretary of State William P. Rogers on what he assumed would be the point raised by the Prime Minister. The Secretary, it developed, was not available, and so the Ambassador went back to his office. He was summoned again for another meeting at 2:30 that afternoon.

This time the Ambassador cooled his heels for half-an-hour while the Secretary finished his lunch. Then he was called in and told that in one hour the cease-fire would be announced from United Nations headquarters in New York. No allowance would be made for the point raised by Mrs. Meir.

That little episode, told here for the first time I think, has poisoned subsequent relations between this country and Israel. It explains the recent public spitting match about violations of the truce on the Egyptian side. For the Israelis feel they have been taken in by the cheap lawyer's trick of ducking issues with documents.

But whatever the provocation, the debate now going on is harmful. The issue is not whether the Secretary of State is a knave or a fool, or whether the cease-fire was violated in the spirit or the letter. The issue is the security of Israel.

For one thing, there took place in the hours around the commencement of the

cease-fire, a massive forward movement of Soviet surface-to-air missiles along the Suez Canal. These weapons can now hit incoming Israeli planes over Israeli territory.

Unchecked artillery fire would endanger the present Israeli fortifications along the Canal—the so-called Bar-Lev line. Once those were shattered, the Israelis would be vulnerable to a cross-canal operation by Egyptian forces and a rollback across Sinai.

Moreover, questions have been raised about American assurances to Israel. At a press conference in Los Angeles President Nixon had assured the Israelis they could "agree to negotiate without fear" that their "position may be compromised or jeopardized." Much the same message was conveyed to Mrs. Meir in a letter from the President.

But with the Israeli position endangered, the United States seems to be walking away from these assurances. This country has not, as it easily could, expressed outrage with what is a clear break in the spirit of the cease-fire; nor, as it easily could, has the United States increased the flow of military equipment to Israel. Thus what the Israelis took to be a guarantee is now vanishing to nothingness before their eyes.

Finally, the frame of reference for the peace negotiations yet to come is distinctly adverse to the Israelis. The Israelis have always insisted that in return for withdrawal from territories seized since the six-day war, there be acceptance of "secure and recognized boundaries," as set forth in the United Nations Security Council resolution of Nov. 2, 1967.

A chief point of Mrs. Meir's call to Sisco was to get that wording into the cease-fire announcement. That is the precise issue on which she was fobbed off. The cease-fire announcement issued at the U.N. on Aug. 7 makes reference to "Israeli withdrawal from territories occupied in the 1967 conflict." It says no word about "secure and recognized boundaries."

Maybe the Russians intend to push for a peace settlement in the end. Maybe they are only building up positions of strength to facilitate compromise.

But it is at least possible, that the Russians really intend to crack the Israelis, the better to penetrate the Near East. If so, they are in fine position. For they have the Israelis now backing down a slippery slope with the massive steamroller of Soviet power poised above them.

In these circumstances, there is no point in trading insults, in petty intrigues, or in the casuistry of lawyers. There is point only in one thing. And that is to assert the Israeli peril, once again, in a way that engages the conscience of serious men.

Mr. RIBICOFF. It is my understanding that the facts related in the Kraft article are entirely correct. This did take place, and the columnist, Mr. Kraft, has the facts as to what took place between the Secretary of State and Ambassador Rabin. This caused deep dismay in the Israel Government, and has increased Israel's fear of U.S. intentions.

When the Israelis later confronted the United States with solid evidence of serious Egyptian and Soviet violations of the cease-fire agreement, the United States became very angry at the Israelis for calling it to the attention of the world.

Here again, the Israelis, who depend on the good faith and assurances of the United States, are understandably uncertain whether the United States will act in good faith or not. Now they must prepare for the peace talks with great fear in their hearts. The Egyptians have a steadfast friend in the Soviet Union, but Israel apparently does not even have the trust of the United States. Without American diplomatic support, Israel is one tiny nation against all the major powers, all by herself.

Mr. HUGHES. Is it not true that the substantial evidence of the last 20 years indicates that the small nation of Israel, with the small population, the heavy commitment of manpower and percentage of their gross economic capabilities invested in their defense, their survival has been more or less guaranteed by the United States in this ongoing policy, and that if Israel were to wait, for example, for Soviet armaments to be placed or their borders to be crossed, with the imbalance in manpower and the capability of the Russian nation of supplying armaments to the Arab nations, obviously they would never have been able to wait until the last moment?

Mr. RIBICOFF. The Senator is correct. I think the Israelis feel, and the events have proved, that the Israelis alone can defend themselves against 100 million Arabs. Less than 3 million Israelis are willing to face 100 million Arabs; but I think it would be foolhardy to think Israel could take on the military might of the Soviet Union.

As for the Soviet Union's deepening military involvement, there is the puzzle of why it committed its own aircraft in face-to-face combat with the Israelis shortly before the cease-fire. This is the first time since World War II that the Soviet Union has ever committed its forces outside of Eastern Europe. Perhaps the Soviets were testing out their own ability to be able to handle the tiny Israel Air Force in an air war.

The Israelis downed four late model Soviet Mig–21's, with Russian pilots. The Russians have apparently made an out-and-out commitment to support Egypt's war of attrition against Israel. I do not know what the Soviet Union's ultimate intentions are. I do not think anyone knows. But there is little question in anyone's mind that after many years of trying all the dreams and ambitions of the czars to control warm water ports and become a Mediterranean power have finally been achieved. Today the Mediterranean is rapidly becoming a Russian lake.

With their control of the Suez Canal and the Mediterranean area, they are free to seek control of the Persian Gulf and the Indian Ocean. This opens up the prospects of Soviet domination of that whole area of the world.

What it would be doing would be outflanking the United States and its NATO allies. It would jeopardize Greece, Turkey, Italy, Iran, and all of Europe. It is too bad that the European nations, which should realize this, still put almost the entire burden of Mediterranean defense on the shoulders of the United States. But France has followed its own narrow policies under De Gaulle, and England, with its oil interests, has sat quietly by.

Mr. HUGHES. Mr. President, I again commend the distinguished Senator from Connecticut for what has been a really enlightened outline of the problems as they now exist in the Middle East and the difficulties the little nation of Israel is facing. I am sure the Senator would join me in commending the President of the United States and the Secretary of State for their initiatives for peace, and the steps they have taken in trying to bring these parties to the bargaining table for the solution of their differences by peaceful means.

I am sure also, as the Senator has so capably pointed out, that the little nation of Israel has almost torn itself asunder and approaches these negotiations with great fear and trepidation, and that the commitment of the United States to this small nation could indeed be jeopardized without support in terms of the needed evidence that we have today.

I think the speech today by the distinguished Senator from Connecticut, at a very critical point in the history of the Middle East, can again focus the attention of the American people not only on our hopes for peace, but on our responsibility to work for peace by keeping our commitments to maintain the delicate balance in that area.

Mr. RIBICOFF. I thank the Senator for his remarks. History is going to have to judge the cynicism displayed in the past few weeks of the present Secretaries of Defense and State. I hope that history will not judge the President of the United States by the same yardstick. I have confidence in the grasp of world affairs of every President of the United States, and I cannot help but feel that the present President of the United States must be unhappy over the events of the past week. July 1, in his television interview in California, the President indicated his desire for maintaining the balance of power in the Middle East. He stated his desire that Israel be secure, and cited the motives of the radical Arab States to drive Israel into the sea.

The President deserves high marks—very high marks for this statement. He should be commended for trying to bring this long struggle between the Arabs and the Israelis to a peaceful and just conclusion. But I would hope the President would continue to recognize the importance for peace of these commitments he has made publicly to Israel. No President of the United States should do less.

Mr. KENNEDY. Mr. President, will the Senator be kind enough to yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Massachusetts.

Mr. KENNEDY. I join my colleague from Iowa in commending the Senator from Connecticut for bringing this matter so clearly and forcefully to the attention of the Senate today. I think he has presented a balanced and thoughtful commentary on the Middle East. I think he has stated, not only in his prepared text, but also in his subsequent comments, that he commended the President for trying to initiate the recent peace initiatives in the Middle East. But I think that the most important point in the most reasonable and balanced presentation of the Senator from Connecticut is his feeling that the United States ought to be prepared to identify and specify and seek to correct any violations of the cease-fire agree-

ment on either side, that the United States, as one of the principals in trying to bring about the peaceful negotiations, should be willing, as the Senator suggested, to state the facts clearly and forcefully when violations have occurred so that no party is taken advantage of.

I think that the kind of standard the Senator is prescribing in terms of our conduct in the Middle East, as I understand it, is one of balance and one of equal treatment for both sides. He has properly recognized that one of the key requirements for any kind of negotiation would be observance of the full terms of the cease-fire. Thus it is disturbing to many of us that, in spite of the protestations and evidence offered by Israel, the United States still has failed to face up to the question of infringements of the agreements. Therefore, the United States is, whether we like it or not, reflecting to the world, as well as to our adversaries, that we are not really interested in the balanced approach which I think underlay the President's initial efforts to try to bring this difficult and trying and perplexing situation to an end by peaceful negotiation.

Mr. RIBICOFF. I thank the Senator for his contribution.

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

Mr. RIBICOFF. I yield.

Mr. BYRD of West Virginia. Mr. President, I want to congratulate the able Senator from Connecticut on his very well reasoned speech. He expresses an extremely grave concern which I share, about the dangerous situation that is continuing to develop in the Middle East. He and I and other Senators have discussed this developing situation many times, and I have joined with other Senators in signing letters which the able Senator has addressed to various personages in the executive branch. I think the situation in the Middle East is perhaps a part of the price we have to pay for an overriding preoccupation with our involvement in Vietnam, to the exclusion of adequate attention and concern with respect to our interests in the Middle East.

I believe that the Senator performs a great service in taking the floor today. He spoke of history's judgment of the Secretary of Defense and the Secretary of State and his hope that it would not also render an adverse judgment against the President. I hope additionally that it will not render a judgment against those of us who sit in the legislative branch.

The able Senator from Connecticut has spoken at a timely moment to express concern. I know that he wishes the peace talks to go forward expeditiously. We pray fervently not only that they will go forward but also that they will produce results that are fruitful, and beneficial, and lasting, and that a just and workable peace will come to that troubled part of the world.

At the same time, I think it is incumbent upon us, not only as an ally of Israel, but, also if for no other reason, out of pure selfish self-interest, to express a strong protest, and in no uncertain terms, to the Soviet Union and to the Arab powers with respect to reports that forward movements of SAM missiles have taken place during the cease-fire.

The Senator has rightly spoken.

The Senator's speech, as usual, has been well thought out, excellently presented, and, as I have said, very well reasoned. I shared his viewpoint. I trust that our country will take a stand, and that it will be firm, while there is yet time; because the Soviets are not among those who are slow to sense timidity and hesitancy on the part of an adversary. They also recognize determination and firmness especially when it is manifested by a power which is in a position to act with firmness.

I thank the Senator.

Mr. RIBICOFF. The Senator's comments are absolutely correct. The Soviet Union appreciates power, and is never afraid to use its power, when it is in its interest. They are exercising their power in the Middle East today.

I thank the Senator very much for his valuable contribution.

Mr. ALLOTT. Mr. President, I think that the speech of the Senator from Connecticut has been helpful. I must say that I cannot agree with all his conclusions, particularly with respect to the question of whether the State Department has always been pro-Arab and anti-Israel. I have two observations to make in respect to this.

During the course of the years, as a member of the Subcommittee on Defense for Appropriations I have had many, many occasions to talk with the former Secretary of State Dean Rusk, for whom I have great respect. If there were time this afternoon—and there is not—I could detail some of the specific instances in which he took action which was very much in Israel's interests rather than in the Arabs' interest. Of course, I do not say that the Arab desks are not trying to look out for the friendship of the Arabs. But I could not go along with the conclusion that the State Department has always been pro-Arab.

Second, I think it should be said here that, after several years now—in fact, since the last war, which the Arabs commenced—it was the President who finally took the lead in the initiative to get the Near East situation off dead center. But I think that anyone who writes off the State Department and Secretary Rogers in the negotiations that have gone on behind the scenes is making a very grave error in judgment of history. Further, it is possible that such statements will confuse rather than elucidate the situation with respect to the Near East, about which all of us are very concerned.

S. 4273—INTRODUCTION OF A BILL TO MODIFY THE BOUNDARIES OF CERTAIN NATIONAL FORESTS IN THE STATE OF IDAHO

Mr. ALLOTT. Mr. President, by request, I introduce to the desk, for appropriate reference, for myself and on behalf of the chairman of the Committee on the Interior (Mr. JACKSON), a bill to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes.

This proposal was submitted and recommended by the Department of Agriculture, and I ask unanimous consent that the executive communication accompanying this draft legislation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, I apologize to the present occupant of the Chair. He may wish to join in sponsoring this bill. I did not realize that I had it with me until I took out my file.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred.

The bill (S. 4273) to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes, introduced by Mr. ALLOTT (for himself and Mr. JACKSON), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 27, 1970.

HON. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: Transmitted here with, for consideration of the Congress, is draft bill "To modify the boundaries of th Coeur d'Alene, Nezperce, Payette, Bois Sawtooth, and Targhee National Forests i the State of Idaho, and for other purposes

The Department recommends enactmen of the draft bill.

The proposed legislation would add areas of small to moderate acreage to the s National Forests within which they are situ ated, and additionally, two areas that a adjacent to boundaries of certain of the Forests. Most of these tracts are interior e clusions within the exterior boundaries of t National Forests in which they are locate

Presumably, the described areas were n included within the respective National Fo ests at the time the Forests were esta lished because of expected mining activit mining settlements, or because they we thought valuable for agriculture use. T value and use of these lands for these pu poses has not materialized. Resource ma agement values and needs are similar to a intimately related with those occurring adjacent National Forest lands.

Upon inclusion of the areas in the spective National Forests, the public doma within them would be transferred from t administration of the Bureau of Land Ma agement in the Department of the In rior to the administration of the Forest Se ice in this Department. On certain parc from this unreserved public domain, as scribed in Sec. 2, the United States co consider applications from the State of Ida for indemnity school land selection, fo period of one year from enactment of t bill in the same manner as before. The tra fer would eliminate duplication of progra by two agencies in the same localities a reduce administrative costs.

Timber, grazing, watershed and recreat resources within the areas covered by t proposed legislation are logical parts of larger complexes of the surrounding Natio Forest lands. Unified planning and devel ment of such complexes would result more economical and planwise improvem and management and in better correlat of recreational uses.

In addition to about 52,000 acres of reserved public domain and the 6,000 a of National Forest, the areas proposed addition to the designated National For

include about 57,000 acres of private land and 17,000 acres belonging to the State of Idaho. Status and use of the non-Federal lands would not be affected by their inclusion within National Forest boundaries. However, the lands would thereby qualify under existing authorities for exchange transactions involving National Forest land.

The transfer of administrative jurisdiction which would be effected by this proposal would be in accord with recommendations made following joint studies by the agencies concerned. The Department of the Interior has reviewed this proposal and concurs in its submission to the Congress for enactment.

The Bureau of the Budget advises that there is no objection to presentation of this proposed legislation from the standpoint of the Administration's program.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

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. ALLOTT. Mr. President, no task is so unpleasant as opposing legislation which aims to achieve a goal one wants, but which is an inappropriate means for achieving that goal. This is the situation many of us face with regard to the pending Hatfield-Goldwater amendment.

I want to say, by way of preface, that I recall back in 1958 and 1959 when the distinguished Senator from Arizona (Mr. GOLDWATER) was interested in trying to upgrade the pay of the various branches of the service upon the basis of their capability and the tasks they were performing. Very few paid any attention to him. I did pay attention to him. I joined him in those efforts time and time again, and never during those last years of the 1950's and the first 2 or 3 years of the 1960's were we able to make any progress in that. So what I have to say is made from the context of my own record in the Senate with respect to this matter and the way I have expressed myself generally in the past with respect to the military.

Mr. President, in my remarks today, I want to explain why I think the Hatfield-Goldwater amendment is not the right vehicle for bringing about the goal which many of us share with the Nixon administration—the goal of establishing an all-volunteer armed force. In doing this I want to explain some of the complex questions which need the sort of investigation that can only properly be done through Senate hearings.

I will confine my remarks on the amendment itself to the first three sections.

The first section begins with the words "The Congress hereby finds" and lists six findings. Three of these are true and can be acted upon without establishing an all-volunteer army. These are findings one, five, and six pertaining to the desirabilty of elevating the status of the military, the desirability of promoting the success of voluntarism as a source of military manpower and the desirability of improved training and equipment for Reserve forces.

The remaining three "findings" are more complex and contentious. Finding No. 2 involves a description of conscription which I do not think does justice to that practice which has served us well at various dangerous moments in our eventful history as a nation.

This "finding" says that—

> Involuntary service in the Armed Forces is a discriminatory tax-in-kind upon those persons required to serve because it falls upon a relatively small number of the total population.

My objection to this description is twofold, involving matters of logic and of moral judgment.

First, the word "because" in that sentence suggests a logical entailment that does not in fact exist, or at least does not exist without several important planted premises. I do not think it is self-evident—unless one accepts a somewhat eccentric semantic fiat—that any civic duty that does not fall evenly on the general population shall be called a discriminatory tax-in-kind.

Second, this description implies—vaguely but ascertainably—a moral judgment about the propriety of the practice of a Government instituting duties that are not universal. I do not think there is support for this moral judgment in the great texts of political philosophy, or in the proven practices of this Nation which has an altogether honorable record of respect for private rights.

Finding No. 3 concerns a question of fact and is, I think, false. It says that Congress has found that—

> The military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system.

My objection to this is threefold, concerning matters of literal interpretation, good legislative practice, and verbal ambiguity.

First, the statement, taken literally, is false. Neither Congress nor a committee thereof has reported any such finding. A commission appointed by and reporting to the executive branch has asserted that this proposition is true. But that is all. Congress has not.

Second, this is precisely the kind of pivotal proposition which must be investigated in the Congress if we are to function as a thorough and careful legislative body rendering independent judgments. This is not the sort of matter on which we should allow another branch of Government to substitute its assertions for our judgments.

Third, the meaning of finding No. 3 is obscured by the ambiguous meaning of the word "effective" in the statement that—

> The military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system.

On the one hand, if the word "effective" is supposed to mean "successful in generating the required manpower," then the statement is true but not significant. On the other hand, if the word "effective" does not have all that meaning packed into it, then, as I have said, the proposition simply asserts an important and contingent conclusion that should be the subject of extensive hearings in this body.

Finding No. 4 leaves its meaning unclear. It says that—

> A voluntary system should be instituted and given a fair test as soon as practicable while providing necessary safeguards in the event that unforeseen circumstances create a need for additional military manpower.

My puzzlement about this stricture is twofold.

First, what criteria of practicality are to be controlling? Second, what duration of testing will constitute a "fair test"?

These questions are particularly urgent in light of the subsequent two sections of the proposed amendment.

The second section of the amendment deals with continued registration of young men. It provides that—

> Notwithstanding the delimiting date specified in section 17(c) of the Military Selective Service Act of 1967, the President shall provide for the continued registration under such Act of all male persons in the United States between the ages of eighteen and twenty-six years in order that the involuntary induction of persons under such Act may be reinstituted without serious delay in the event the President determines pursuant to section 4 of this Act that such action is necessary and legislation authorizing conscription is enacted pursuant to such determination.

The third section of the amendment provides for "reinstituting conscription." It says this:

> If at any time after the termination of induction of persons into the Armed Forces under the Military Selective Service Act of 1967 the President determines that the military manpower needs of the nation are not being adequately met through a voluntary system and that conscription is necessary for the national security, he shall promptly notify the Congress of such determination, and of the facts upon which such determination is based, and submit to the Congress such recommendations for legislation as he deems necessary and desirable to provide for the involuntary induction of persons into the Armed Forces.

Mr. President, it seems clear that this amendment presupposes that the draft law will be allowed to expire in 1971 and that no comparable law will be passed in its place. I should have thought that this would be the object of detailed scrutiny next year, and that this legislative decision would be made other than by indirection, as it is in this bill.

However that might be, these two sections of the proposed amendment do shed some light on the practical implications of the terms used in finding No. 4 in the first section.

That is, I would assume that if the President deemed the transition to complete voluntarism to be impractical in 1971, he would ask the concurrence of Congress in a new draft law. But it is

not unlikely that this will be the case. Thus, this amendment holds out a promise—the end of conscription—by next year that probably cannot be met.

After all, what is contemplated here is a vast experiment with the market mechanism. We are not dealing with a seminar in price theory. We are dealing with the sinews of national security, and any fair and practicable test is going to have to be intensive and prolonged.

Such a fair and practical test will have to take account of any peculiarities in the Nation's general manpower situation. For example, there has been some increased unemployment among young people as a result of the very necessary cooling of our inflationary economy. This has meant that during the months of June and July this summer, unemployment among young people between the ages of 16 and 21 rose to 15.7 percent.

This was the highest rate in 6 years and represents an increase of nearly 3 percent over the 12.8 percent unemployment among this same age group last summer. It is obvious that changes in the employment picture would have important influences upon the effectiveness of particular programs designed to increase the military's competitiveness in attracting voluntary manpower.

We must face the fact that there are dramatically different estimates as to the probable cost of an all-volunteer armed force.

The Gates Commission estimated a first-year cost of $2.7 billion, with decreases in subsequent years. But the Defense Department has estimated that the cost could be $17 billion a year.

I do not know which of these estimates is correct, or even the most correct. But one thing is clear. Sincere and learned and experienced men and women can and do disagree about very significant and important aspects of this problem.

What is needed is for hearings to be held for the purposes of allowing these opposing parties to deploy their arguments and their facts and explain their premises and compete for the favorable judgment of the Senate's proven experts on the Armed Services Committee and, of course, eventually the U.S. Senate itself.

There can be no blinking at the many budgetary factors which can further complicate consideration of the economic picture as it relates to the prospects for an all-volunteer armed force. I will give just two examples. One concerns the widespread desire to continue the Nixon administration's policy of reducing the percentage of the Federal budget devoted to defense expenditures. The second concerns possible new burdens on the budget.

If we are going to continue to reduce military expenditures, in real terms and as a percentage of the budget, then it becomes all the more imperative that we make sure that our finite funds are spent so as to maximize defense capability.

Thus we should be very careful about building into future defense budgets a new expense that, given the prevailing mood of Congress, may have to be matched by cuts in other portions of the defense budgets and may have to be matched, Mr. President, even with other important parts of our overall budget. We should not build any such future expenditures into the budgets without careful prior deliberations by the Congress, and especially by those Senators who, by their committee responsibilities, are charged with evaluating the proper mixture of American military capabilities, from manpower through weapons systems.

In addition, Mr. President, before we build any such new expense into future budgets, we should take the long view with regard to all aspects of the Federal budget. For example, the Nixon administration is currently advocating a vast overhaul of the Nation's welfare programs.

The Finance Committee is currently giving this proposal the kind of scrupulous scrutiny which all major legislative proposals deserve. If this overhaul is adopted—and I do not know whether it will be or should be—it will build a very large expenditure into future Federal budgets. Is it not possible that adoption of the proposed welfare program would be an important datum in any careful consideration of the fiscal feasibility of an all-volunteer armed force?

Mr. President, is it not clear that the budgetary implications of this major program deserve careful and comprehensive consideration by the Congress, and most especially by those Senators whose committee responsibilities give them a special concern about the infinite demands competing for satisfaction from our finite revenues?

Thus far I have dealt with some of the economic complexities which will make any experiment with voluntarism a difficult experiment from which to extract the sort of conclusions one needs to gage the long-run effectiveness of voluntarism.

There is another kind of complexity that involves matters which are, if anything, more imponderable than the vicissitudes of our economic life. This is the international situation.

Obviously, any fair and practicable test of voluntarism will be one which establishes that the military, operating within realistic budgetary restraints, will be able to compete with civilian employment for voluntary manpower under various conceivable economic conditions and will be able to attract the necessary number of men. But various complex judgments must be made before we can know what constitutes the "necessary" number of men.

There is considerable disagreement among learned and sincere American men and women concerning the nature of the current threat to national security, and the likely future of that threat. This is not a subject which preoccupied the Gates Commission. But it is a subject which must receive the intense study of this body before we legislate on the matter of an all-volunteer armed force.

I admit I am distressed by some of the premises on which some supporters of an all-volunteer army appear to be relying. In my judgment, some are underestimating the scale and the durability of the threat to our national security.

Others, Mr. President—and I do not include any Senators in this category—seem to favor quick transition to an all-volunteer armed force because they expect that it will mean a significant reduction in available manpower. These persons favor such a sharp reduction because they want to diminish America's capacity for foreign commitments. They are content to see our capacity for flexible response evaporate. They are content to see us faced with a stark alternative in every kind of foreign crisis—the choice between absolute impotence or the use of a high-level force.

Mr. President, whatever one thinks of the moral and strategic wisdom of such thinking, one must agree that such thinking should be advanced overtly, and not covertly, through the medium of support for voluntarism in military manpower selection.

There is one other important international consideration that is relevant to the provisions of this proposed amendment. It is all very well for the second and third sections of this amendment to provide for a mechanism whereby the President, in conjunction with Congress, can reinstitute conscription in the event of a grave national crisis. But is it not likely that there would be dangerous and destabilizing ramifications of such an act in a period of high tension?

Such periods of high tension are just the sort of periods in which, on the one hand, we might want to have access to conscription, but which, on the other hand, could be badly aggravated by such an important act as reinstituting conscription. In fact, is it not likely that in times of high international tension the act of reinstituting conscription might be interpreted by a nervous antagonist as an act tantamount to a declaration of war? Again we find ourselves confronted with a scenario of the gravest sort, and one which deserves the careful consideration of the Senate.

Finally, Mr. President, before we can have a fair and practicable test of voluntarism—indeed, before we can have a clear understanding of what would constitute a fair and practicable test—we must consider one additional kind of complexity. Beyond the problem of varying economic conditions and budgetary restraints, and beyond the problem of gaging international developments, there is the problem of the shifting attitudes of our citizens toward the military and toward the idea of national service.

I do not think it is accurate to say that this generation of young people is hostile to the military. Nor do I think that those who disdain service to America are representative of this generation. Nevertheless, it would be unwise to ignore the fact that there is abroad in the land, among members of all generations, and not insignificant among proponents of an all-volunteer armed force, the belief that conscription is inherently iniquitous and a violation of the 13th amendment, and that any service in the Armed Forces of the United States is morally reprehensible.

Being cognizant of the existence of this minority doctrine which is so vociferously expressed—which I abhor personally to the greatest extent it is possible to do so—we must take two precautions.

First, we must try to gage the extent to which this doctrine is spreading

and might become capable to jeopardizing voluntarism in the long run.

Second, we must recognize that the reasons for supporting something are sometimes as important as the fact of supporting it. In this case, we must recognize and make clear that our support for voluntarism does not stem from the notion that military service is dishonorable in America, or that conscription is always wicked.

We can best make these judgments clear through the sort of full hearings and debates that a major legislative act deserves. This reinforces my belief that the next step on the orderly route to an all-volunteer armed force must be hearings before the appropriate committee.

Mr. President, I hope three things will happen with regard to the problem of the draft.

First, I hope that the Armed Services Committee will hold comprehensive hearings on an all-volunteer army at the earliest possible moment.

Second, I hope that these hearings will be guided by the questions raised by the Gates Commission report. That is, I would hope they would give critical examination to the presuppositions—economic, political, and moral—that underlie that report.

Third, I hope that the hearings will devote special attention to the area which is the most in need of careful scrutiny. This is the problem of devising a safe and certain mechanism to see us through the transition from conscription to voluntarism.

This last is especially important, Mr. President, because this mechanism will go a long way toward determining the long-term success of voluntarism as applied to military service.

Fortunately the Senate has at hand the people who should undertake such an investigation. The Armed Services Committee and only the Armed Services Committee is equipped by commission and experience to consider this matter, and to make its recommendations to the Senate.

No Member of this body is more competent at taking the comprehensive view of the Nation's military needs than is the distinguished junior Senator from Mississippi (Mr. STENNIS). I think all of us would feel more confident of the ultimate wisdom of our action in establishing an all-volunteer military if we were able to proceed on the basis of findings gathered by those Senators who have a special commission to make encompassing considerations of military needs—the able members of the Armed Services Committee.

At this point, Mr. President, I would like to respectfully direct an inquiry to the distinguished chairman of that committee.

I would like to know if we can expect hearings to be held on this matter in the next session of Congress. I know how burdened this able committee is, and how diligent all the members of that committee are in dispatching the many chores which a grateful Nation entrusts to them. Particularly do I know and understand how diligent and burdened with work the distinguished chairman of the committee is. I also know that it is impossible at this point to talk in terms of specific dates for such occurrences.

Nevertheless, it is certain that the Military Selective Service Act of 1967 expires next year, and conscription—and alternatives to it—will be a matter of congressional concern at that time. That would be an appropriate time for hearings to be held concerning the problems and prospects of an all-volunteer armed force. I would like to inquire of the distinguished chairman of the Armed Services Committee if I am correct in interpreting a recent statement of his—2 days ago, as a matter of fact—as a notice that such hearings will be held as part of the comprehensive review of military manpower policies that must take place next year before the draft law expires?

Mr. STENNIS. Mr. President, first I wish to say to the Senator that I think he has made one of the finest presentations of this problem and one of the best analyses that I have heard. He brought us also a very timely speech representing his thoughts on what to do and what not to do. I think he has correctly sized up this amendment. We do not condemn the idea of the amendment; we accept the motives of the sponsors. But the Senator's address sizes the amendment up by saying it is premature to bring it into being now; that there has to be a transition, at best; and that we have to maintain our own security. I think the Senator made a very fine and well reasoned speech. I know the Senator's speech will have influence on those who are making this decision. I want to thank him for taking the time to do this work and to make his address.

Mr. President, the Senator's question about the hearings is very appropriate. I went into some detail this morning about what had developed with respect to this problem as to the question of starting hearings on the Selective Service Act which expires automatically next June 30, and also on the matter of the volunteer army. As a matter of fact, we started last November or December to make special arrangements with the Selective Service to assemble material for a hearing. I will not go into detail again, but we have not had any of the records of Selective Service here for sometime.

I said today we have very definite plans that when this bill leaves the floor, subject only to the conference it will have to go through, this very definitely is the next order of business. The question to be considered in the hearings will be renewal of the Selective Service Act and also the volunteer army concept, because they come along together.

I have never doubted for one moment that we have to have a continuation of selective service beyond June 30. I have never doubted for 1 minute that we have a rather sticky subject to deal with in connection with the hearings. So when we start we must be well prepared. I contemplate now it may be possible for us to get into it some this calendar year.

We will get some of the preliminary parts of the hearing. If we come back into session following the November elections, I am sure we will get into a part of it. Certainly we will be geared to consider it as the first order of business in January. I know it must be done because of the expiration of the Selective Service Act. It should be done as soon as our committee is able to. We will be ready. We will have our staff ready and the Selective Service staff ready.

The administration has not yet sent us a bill calling for it, although the President said the act would have to be extended. The administration has not put a bill together for the continuation of selective service beyond June 30, although I am sure it will do so.

So the matter will have the top priority of all our hearings, beginning in 1971, if not before. As far as time is concerned, the pending bill will have to start moving soon. I am mindful that we must get started in 1970, and that we must get a bill to the floor early in 1971, so there will be plenty of time. When we have hearings, they are going to encompass the voluntary army, for one thing, deferments for another, and all the other changes that the report has suggested. Then we must consider the practical side of a volunteer army. That is just part of the bill. The money item is involved. The lowest estimate of cost we have for a voluntary army is $4.3 billion per year. The estimates run as high as $17 billion. So it could actually be from $6 to $8 billion. So more than one change is involved in that measure, and they all must be gone into.

The President has never varied in his position on this question. He has never recommended that we not renew the Selective Service Act. He knows now it must be renewed. He said so in his statement.

The Senator may have heard me say this morning that I had to know the position of the White House before the debate started. Very clearly and succinctly, this amendment is not favored. The idea of a volunteer army should come not before the Selective Service Act is renewed, but after. There must be a transition. There must be consideration of the whole matter.

I feel I have completely answered the Senator's question. If he wants to ask some other phase of it, I shall be glad to answer further.

Mr. ALLOTT. I thank the Senator for his answer, but I must say it does not get entirely to the matter I want to discuss.

Let me say first I have no empathy with those people who want a volunteer army because they know they are not going to volunteer; they are going to leave the burden to somebody else. I saw plenty of them when I was in the Army myself.

I am convinced, also, that there is a great feeling in this country—and I am in sympathy with it—that we should move toward a volunteer army.

I construe the Senator's remarks as meaning that we will consider the draft bill next year, and it looks now as if it will have to be extended in some way or another, but that the matter of a voluntary army would not be a matter of prime hearings and a determination before the Armed Services Committee It occurs to me——

Mr. STENNIS. Mr. President, may I interrupt the Senator there?

Mr. ALLOTT. Yes.

Mr. STENNIS. I intend to give full hearing and full consideration to the

volunteer army concept at those hearings.

Mr. ALLOTT. In conjunction with the draft?

Mr. STENNIS. Yes, in conjunction with the draft. To that extent there will be hearings on each, because they are interwoven. The issue has been drawn. The proposal is up. The President of the United States has made recommendations on it. I would not attempt to ignore it.

I do not know how the voting in the committee will come out or what the recommendations will be. As far as I am concerned, I can say we must renew the Selective Service Act, as I see it, as long as this war is going on, and perhaps for some time after. That is the way I see it.

Second, as an individual Member of the Senate, I might see it strongly enough to put some provisions in the bill about a volunteer army, to be implemented or put into use as the President may determine, or something of that kind, because, as I understand, he is in favor of a transition period and knows it is necessary. That is the way we will get to it, as I see it, and I think there is sentiment for it.

If I may just enlarge on this point a little, a Senator said to me, "Well, we are going to have to try it. I do not think it will work but, at the proper time, it has got to be tried." That was his version.

I think if we jumped up and enacted a half-baked plan here for a volunteer army, so-called, and there was an increased cost of $4 billion a year, all of it would fail and we would have to junk all of it except the pay increase, and we would be left with that.

I favor an increase. I like the idea especially that the lower grade men should get more pay. But I think it must be worked in and tied down. It will not be an incidental matter to the volunteer army. There will be mutual hearings.

Mr. ALLOTT. That is the assurance I wanted to hear from the distinguished Senator, because I believe that, either through the administration or through interested Members of the Senate, there will be a bill or bills on the voluntary service offered next year. I think it is absolutely imperative that we consider it.

I am inclined to agree with the opinion of my friend—in fact, I do agree with it—that probably we are going to have to continue the conscription law next year. To me, the key to this question and to the achievement of the possibility of a volunteer army is study, work, and testimony that will come out of the Senator's committee. This is what will permit us to make an orderly and successful transition after we have instituted the voluntary system.

In other words, we cannot just say, "All right, next May we are starting a voluntary army. As of the 1st of July, we are through with conscription." I just cannnot imagine anything that could possibly leave this country in a worse situation.

At the same time, it seems to me that with the great capability of the chairman and the members of this committee—and no committee of the Senate has a more capable membership—we could work out a plan which would institute the voluntary system, lapping it over with the conscription system. Then we could be sure that the voluntary plan is workable and will work, and in that event, we will not be leaving our country barehanded in its defense posture in the eyes of the world.

Mr. STENNIS. I think the Senator has expressed it well. Incidentally, my idea of due process of law would be to give this voluntary Army plan a real hearing, and have its day in court, and let the committee actually pass on its merits. That is what will happen, as far as I am concerned.

Second, as to the Senator's speech, I liked very much that part wherein he said others have had their say, and the Gates Commission has done its work, but until now the ones who have the real responsibility of passing legislation have not had a chance to dig into this thing, to weigh it the best they can, and render a judgment that they owe to the people.

That can only be done with hearings, as the Senator pointed out, a report, competent staff work, and then competent debate. I could not agree, here, to encompass this thing within 4 or 6 hours of debate. I knew that was not the way to get at the heart of it.

Mr. ALLOTT. I thank the distinguished Senator for his remarks. His remarks prompt one comment about commissions in general.

The Chairman of that particular Commission has been a friend of mine for many years. I have only the highest respect for him, as I did when he was Secretary of the Navy.

But also, in my speech, I pointed out that that Commission did not primarily concern itself with the uncertainties and vagaries of our international situation.

In addition, another significant factor which people are often prone to forget about commissions is that they are responsible to no one. They are responsible only for filing a report which evidences their best judgment. They do not have to go back and be responsible to people who elected them, as do Members of Congress.

I thank the distinguished Senator.

Mr. STENNIS. Mr. President, that is a wonderful point the Senator has made. Their mission is completed when they file their report. They have no responsibility thereafter.

Mr. ALLOTT. That is correct.

Mr. STENNIS. We appreciate what they have done. Mr. Gates was Secretary of the Navy, as the Senator has stated. I remember he also served as Secretary of Defense for a while.

Mr. ALLOTT. And Secretary of Defense, yes.

Mr. STENNIS. I thank the Senator again.

Mr. ALLOTT. When the distinguished chairman of the Armed Services Committee spoke to the Senate on August 18 to explain his opposition to this amendment, he noted—page 29268 in the RECORD—that there has not been "one iota of a recommendation or approval of this matter from the Bureau of the Budget" and that there are many questions which must be the subject of committee hearings. He also said this:

I think everyone realizes that there must be a consideration of the all-volunteer Army proposal at the time we consider the extension of the draft, the Selective Service.

But the distinguished junior Senator from Mississippi also warned that any action undertaken before these planned hearings would constitute "an abrogation of our legislative responsibility and would be legislating in the dark." He declared that he has an open mind on the question of an all-volunteer armed force and that he was anticipating "extensive hearings" that would involve "hearing witnesses from various sources."

Mr. President, the idea of an all-volunteer armed force is an idea whose time is coming. It has not come yet. I will cooperate with every effort to bring this universally desired institution into being in a way that is consistent with the needs of naional security and the great interest we have in making the new approach to national service a success.

Mr. President, I yield the floor.

THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT MAY END THE PROTECTION OF WOMEN

Mr. ERVIN. Mr. President, on August 14, 1970, the Washington Star carried a column by one of the Nation's most impartial and intelligent commentators, Richard Wilson, which asserts that in approving the House-passed equal rights amendment "the House of Representatives went on record in favor of a constitutional amendment without a clear idea of what it will mean" and that "when unnumbered millions of women find out that they will lose privileged status so that their militant sisters may claim rights—and responsibilities—equal to men, they may not be very pleased."

Mr. Wilson's column makes highly pertinent observations concerning this potentially destructive amendment which ought to be read by every Member of the U.S. Senate. For this reason, I ask unanimous consent that his article be printed at this point in the body of the RECORD.

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

WOMEN'S RIGHTS AMENDMENT MAY END PROTECTION

(By Richard Wilson)

Reading in the Congressional Record the hour of debate devoted to the so-called women's rights amendment is hard going but worth it for one reason.

The House of Representatives went on record in favor of a constitutional amendment without a very clear idea of what it will mean. When unnumbered millions of women find out that they will lose privileged status so that their militant sisters may claim rights—and responsibilities—equal to men, they may not be very pleased.

The woman who thinks that making a home and raising a family is the greatest career to which she aspires, and wishes to be protected in what she considers to be her noble and natural role, may quite conceivably find that she has lost some of the protection.

Let us take, for example, a young woman of 20 who wishes to marry and settle for a long, rewarding life with children in a comfortable home. First, she may be subject to the draft, although the women in Congress assure us that she will not have

to fight if she is not fitted for it. Some girls of 20 are, of course, quite equal to the ardors of military campaigning as they so ably demonstrate in the sports arena, and some of them can shoot straight, too.

Once married, and if things go awry, some young women may find themselves liable to pay alimony to a wronged husband. The responsibility for the financial support of children may lie equally upon her instead of solely upon a wayward husband.

These details are mentioned with hesitancy and deference because we have the assurance of Mrs. Martha Griffiths, the able congresswoman who accomplished the amazing one-hour feat of putting across an amendment pending for 47 years, that 30 million women are at work nowadays and desire equality more than protection.

In practical effect, as under the social security program, this equality will extend to men such privileges as are accorded women. But Mrs. Griffiths has a little different twist on it. She wishes to reserve for women some existing privileges based upon physiological differences. She asserted in the debate that separation of the sexes by law would be forbidden under the amendment except in situations shown to be necessary because of an overriding and compelling public interest. "For example, in our present culture," she said, "the recognition of the right of privacy would justify separate rest room facilities in public buildings."

However, it seems to be admitted on all sides that the equal rights amendment raises hundreds of other questions in many states concerning family relationships, divorce, separation, alimony, age of consent, military service, child custody, bastardy. The contention cannot be dismissed lightly that the equal rights amendment releases men from sole family and public responsibilities that society has traditionally imposed upon them and not upon women.

An overwhelming majority of the House of Representatives set aside these doubts, raised incidentally by orthodox liberals, largely out of the conviction that women are discriminated against in employment. This is demonstrably true and women are unjustly discriminated against in other ways.

Mrs. Griffiths dismisses the idea that any real protection will be lost to women but her opposition raised a great many telling points, which were not explored in debate nor were they the subject of prior hearings in the House of Representatives.

The amendment was passed over Judiciary Chairman Emanuel Celler's plea to wait until after hearings he had scheduled in September. It can readily be understood that the women's rights advocates placed no trust in Celler's plea since in all the years he has been chairman of the Judiciary Committee he has been unmoved by continuous pressure for adoption of the amendment.

The House acted, and presumably the Senate will act also under heavy pressure from women's organizations who desired this "Magna Charta" in tribute to the 50th anniversary of women's suffrage.

But much more seems to be expected from this simple amendment than it actually promises. Other enactments "liberate" women without sacrificing their protection. The prudent woman will wish her state legislature to take a long look at this deceptive amendment when the ratifying process begins. It was designed by men to get women's votes nearly a half century ago.

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.

AMENDMENT NO. 813

Mr. FULBRIGHT. Mr. President, what is the pending business?

The PRESIDING OFFICER. There is no amendment pending at the present time.

Mr. FULBRIGHT. Mr. President, I call up Amendment No. 813.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 19, after the period in line 8, insert the following: "None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area."

The PRESIDING OFFICER. The Chair understands that there is a 1-hour limitation as to the time on this amendment, to be equally divided between the Senator from Arkansas and the Senator from Mississippi.

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

The purpose of this amendment is to give fair and equal treatment to American servicemen in Vietnam. It would prohibit the payment of special overseas allowances to Thai or other foreign forces in Vietnam, financed through the Department of Defense budget, at a rate greater than the combat pay allowed American servicemen fighting there. When the Griffin amendment to the military sales bill was being considered in the Senate, I stated that I intended to introduce such an amendment to the first appropriate bill.

The record of the Symington subcommittee makes clear that neither South Korea, Thailand or the Philippines would have sent troops to South Vietnam if there had not been assurance that the United States would provide funds so that individual soldiers could get double or more their regular salaries—plus American-style PX privileges—if they "volunteered" to go. Whether, in the case of the Philippines, the soldiers got that extra money is questionable.

It is not by chance that the State Department has required key portions of the negotiations with these countries to be kept secret by insisting that this information be deleted from the RECORD cleared for publication. The real story of the use of mercenary forces in South Vietnam is a dubious practice in our already blotted record of policymaking in this war. The argument which the executive branch has used for keeping the details of these special payments secret—a secrecy which the Symington subcommittee has not been able to get reversed—is that if the forces of one allied nation knew what the United States was paying the forces of another allied nation, there would be jealousy and bickering. Before I had studied the tables of the allowances paid these soldiers by our taxpayers, I was inclined to accept that argument. But after I compared the results with the combat pay we give our own brave men in Vietnam, I now wonder if the secrecy on these figures was not imposed to keep these facts from our own GI's.

How many of our citizens know that for American troops sent to Vietnam the highest monthly special combat allowance is $65 no matter what their rank? Yet, at the same time, the United States pays twice as much combat pay, or more, to Thai and Korean officers in Vietnam as it pays to our own men, who actually do most of the heavy fighting. I also point out, for example, that a Thai lieutenant serving in Vietnam gets $120 a month from the United States and only $50 a month in base pay from his own country.

Senators should realize that the United States pays an annual overseas allowance to a Thai lieutenant general nearly seven times larger than the allowance it pays to an American general of equivalent rank—$5,400 as compared to $780 for the American. The Thai lieutenant general's annual allowance, paid by the United States is 41 times the $130 annual per capita GNP of Thailand. If an American lieutenant general were to receive an overseas allowance 41 times as large as the annual per capita GNP of the United States, $3,670, his annual overseas allowance would be $150,470. I have never heard a satisfactory answer as to why these extra large allowances should be paid by the United States when it is the security of Thailand and South Korea that is more directly affected. They are paid, of course, because that was the only way we could get these soldiers to Vietnam—thus providing "proof" to the world, of a sort, that this was not really an American, but an Asian, war.

This system leads to distortion of both the recipients and our own values. The American people for years—unaware of the existence of these bonuses—were continually told by their leaders that the free world forces in Vietnam represented recognition that all Asian nations had a stake in the outcome in Vietnam. That stake—it now turns out—was in good part money. I believe such special treatment should be stopped now and prevented in the future.

But beyond these facts there is massive self-deception of seeking to fool ourselves that these allowances only permit countries such as Thailand, South Korea and the Philippines to do what they otherwise might not be able to do. Our policymakers have forgotten that it was money that brought them into the battle in the first place and they look upon their presence as a voluntary allied effort to defeat communism. This kind of misconception colors all our thinking and inhibits the making of policies which are

truly in the interest of the American people.

Mr. President, I believe it is time that we stop making mercenaries out of allies and allies out of mercenaries. The time has come to stop the practice of making it profitable for countries to send troops to fight wars we believe should be fought in order to protect their countries. We must prevent our money from distorting the ability of countries to determine their own national interests. We must stop deceiving ourselves as to what our own interests are in Southeast Asia.

The first step in this process should be to treat these U.S.-financed forces no better than we treat our own GI's for purposes of combat pay. I hope that Senators will vote to end this kind of discrimination against our servicemen and that the amendment will be adopted by the Senate.

Mr. President, by coincidence, I received a letter on August 14 to the Committee on Foreign Relations, addressed to me, from an American serviceman in Vietnam. It happens to pertain to this subject, although the writer mentions some other matters. I will read part of it. I may say that I have the complete letter here, with the writer's name. I will omit his name, but if any Senator wishes to see his name, it is available. He writes:

> The exorbitant salaries paid to civilians, the black market, and the military preoccupation with kill ratios are all well known hypocrisies. It is not unusual for U.S. Government agencies to pay $3,000 per month for a 4 bedroom house in Saigon, and so on . . . I thought I'd heard it all . . . but this is a land of incredible happenings. I recently learned that the 50,000 Korean soldiers stationed in Vietnam are on full salary parity with U.S. troops. That a Korean Major, for example, receives the same salary as a U.S. Major. However, there is one exception, and that is—the Koreans do not have to pay for their food at an organized mess, whereas we do. I find this almost beyond belief in that the U.S. and Korean economies are on such vastly different levels. And then we wonder why the Koreans, with all this extra cash are so heavily engaged in the black market. The Thais are equally involved in the black market . . . the standing joke over here is "the only way you'll get the Thais to fight is to put a PX between the VC and them."
>
> Anyone who has read the history of Southeast Asia must certainly know that it is pure folly to expect these traditional enemies to rescue each other . . . however no doubt they will do it if the price is right!

Mr. President, there are many other aspects of this matter. I had thought that perhaps the chairman of the committee would see the wisdom of this amendment. I wish to put one or two other things in the RECORD.

I asked the Department of State whether congressional approval was sought or received for the rates agreed upon with either or both countries—that is, Thailand or Korea. Their reply stated that congressional approval for the specific allowance rates was neither sought nor given, which again highlights the freedom which the Executive believes it has to make agreements committing this country to the expenditure of very large sums of money in payment to other countries, either for base rights, as in some other countries, or, as in this case, for the hire of their soldiers to fight in Vietnam.

I think, Mr. President, that this deception was originally imposed upon the American people and the world primarily because of an effort by the preceding administration—and I may say that all these agreements to which I refer were made by the previous administration and not by the present administration—to persuade the American people and others that these Asian countries were so devoted to our interests, and so committed to our objectives in Southeast Asia, that they voluntarily offered their services. From the record itself, this does not appear to be the case.

So I hope that this matter can now be resolved by the adoption of this amendment, which would simply say that American combat soldiers should receive as much as foreign combat soldiers; or, the reverse, that we should not continue to pay any foreign soldiers a higher combat allowance than we pay our own soldiers.

Mr. President, I ask unanimous consent to have printed in the RECORD a table I used in a former statement which outlines in detail the monthly base pay and quarters allowance pay by the Philippines, the monthly per diem and overseas allowances paid by the United States to Philippine soldiers, the same for Thailand, and the same for U.S. soldiers, as well as a table comparing the annual overseas allowances paid to U.S. soldiers and to Thai soldiers in terms of the respective annual per capita gross national product.

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

PHILIPPINE FORCES SENT TO VIETNAM [1]

	Monthly base pay and quarters allowances paid by Philippines	Monthly per diem and overseas allowances paid by United States	Monthly Total
Brigadier general	$305	$210	$515
Colonel	235	195	430
Lieutenant colonel	195	180	375
Major	153	165	318
Captain	125	150	275
1st lieutenant	102	135	237
2d lieutenant	90	120	210
Master sergeant	53	76	129
Sergeant 1st class	53	45	98
Corporal	43	36	79
Private 1st class/private	43	33	76

[1] The average monthly per capita Philippine income is $16.67.

THAI FORCES IN VIETNAM [1]

	Monthly base pay paid by Thailand	Monthly overseas allowance paid by United States	Monthly total
Lieutenant general	$370	$450	$820
Major general	330	390	720
Special colonel	240	330	570
Colonel	190	300	490
Lieutenant colonel	140	240	380
Major	98	180	278
Captain	70	150	220
Lieutenant	50	120	170
Master sergeant	48	69	117
Sergeant	38	60	98
Corporal	33	50	83
Lance corporal	30	45	75
Private	26	39	65

[1] The average monthly per capita Thai income is $13.92.

Note: Quarters and rations paid by United States for both Thai and Philippine forces.

Source: Department of Defense.

U.S. PAY AND OVERSEAS ALLOWANCES [1]

	Monthly average base pay [2]	Monthly overseas allowances [3]	Monthly total
Lieutenant general	$2,426.70	$65.00	$2,491.70
Major general	2,180.20	65.00	2,245.20
Colonel	1,425.30	65.00	1,490.30
Lieutenant colonel	1,209.30	65.00	1,274.30
Major	962.40	65.00	1,027.40
Captain	870.00	65.00	935.00
1st lieutenant	731.40	65.00	796.40
Master sergeant (E-9)	903.60	22.50	926.10
Sergeant (E-5)	395.40	16.00	411.40
Corporal (E-4)	330.60	13.00	343.60
Private (E-1)	124.50	8.00	132.50

[1] The average monthly per capita U.S. income is $285.08.

[2] U.S. Armed Forces are paid according to the number of years of service they have accumulated. Thus there is a varying pay scale within each rank. The above figures were supplied by the Department of Defense based on the average number of years a person has served when he attains the given rank.

[3] In addition to the above amounts, which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers' salaries are exempt up to $500.

Rank	Thai forces in Vietnam: Annual overseas allowances paid by United States	Thai forces in Vietnam: Exceeds the annual per capita GNP of Thailand ($130) (times)	U.S. forces in Vietnam: Annual overseas allowances paid by United States [1]	U.S. forces in Vietnam: Annual overseas allowances U.S. forces would receive [2]
Lieutenant General	$5,400	41	$780	$150,470
Major General	4,680	36	780	132,120
Colonel	3,600	27½	780	100,925
Lieutenant Colonel	2,880	22	780	80,740
Major	2,160	16½	780	60,550
Captain	1,800	14	780	51,380
Lieutenant	1,440	11	780	40,370
Master Sergeant	828	6	270	22,020
Sergeant	720	5	192	18,350
Corporal	600	4½	156	16,515
Private	468	3½	96	12,845

[1] In addition to the above amounts which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers' salaries are exempt up to $500.

[2] If paid in same ratio to annual per capita GNP of the United States ($3,670) as Thais are paid.

Note.—Figures in columns 1 and 3 are from Defense Department. Figures in columns 2 and 4 are arrived at by relating the Defense Department figures to the annual per capita gross national product of the United States and Thailand. The GNP figures used are from the World Bank Atlas 1969 and are for the year 1967, the most recent year for which accurate figures are available.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. STENNIS. Mr. President, I yield myself 10 minutes, and I should like to ask the Senator some questions during that time.

As I understand it, the Senator from Arkansas has related—I ask him whether this is a correct statement of the facts—that certain military men of these Asiatic countries are fighting with us and the South Vietnamese; that we are paying the compensation to which this amendment relates, the additional pay they get for fighting away from home and hostile pay; and that we are footing the bill under an agreement that was made by the State Department. Is that correct?

Mr. FULBRIGHT. They were made by the previous administration, and I think negotiated by the State Department with military advice, I assume.

Mr. STENNIS. I state, further, that it is a fact, as the Senator has found it to be and as we have found it to be, that some members of the military in this special kind of pay receive a greater allowance than our own men receive for what we call hostile pay.

Mr. FULBRIGHT. That is correct. Sometimes it is called hostile, combat, or overseas pay. They all mean the same thing.

Mr. STENNIS. There is overseas pay, and there is hostile pay, also. In some instances, however, it is not greater but less. I mean that some of the troops from other countries do not receive more than our men, as I understand it.

Mr. FULBRIGHT. I do not know to which ones the Senator refers.

Mr. STENNIS. Some of the difference in the ranks. I think that is a fact. The Senator's amendment just relates to those who receive more than our men receive.

Mr. FULBRIGHT. That is correct. In effect, it says that more overseas or combat pay should not be paid to a foreign soldier than is paid to an American soldier. That is the simple substance of it.

Mr. STENNIS. If I may relate myself, it is true, though, that we have considerable numbers over that, who are carrying on and fighting our part of the battle in South Vietnam. Of course, I personally think it is as much their problem as it is ours. But we are the ones in there and we induced them to come in.

Of course, the United States of America must always redeem its promises and live up to its word. I do not know just what we will run into in trying to get some adjustment of this matter, but I am impressed with it and if some adjustment can be made consistent with our honor and our promise, I should like to see it done. We do not want to abrogate a contract or a firm agreement. In conference, we might be able to work something out that would take care of the present and certainly control any new arrangement. With that understanding, I accept the Senator's amendment in its full impact. I would be willing to take it to conference and make a real effort to get an adjustment of it and see what the House's viewpoint of it is.

The Department of Defense opposes the amendment. We have the Vietnamization program going, as well as the withdrawal of our troops program going on. We do not want to curtail that or drastically interfere with it, but I think within the limits of the discretion we have in this matter, that we should do something about it and I am willing to take this matter to conference and make a real effort to get some kind of adjustment on it.

Mr. President, I see the Senator from Arizona (Mr. GOLDWATER) in the Chamber, and other members from our committee, including the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. GOLDWATER. As a member of the Armed Services Committee, I certainly find nothing wrong with the amendment. In fact, I should like to propose a question or two to either the chairman of the Foreign Relations Committee or the Armed Services Committee, which they could answer.

Would it be improper to ask either the State Department or the Department of Defense to make reports regularly on payments to foreign troops?

I was in Bangkok the night the Thais decided to send some troops over there and we had a long discussion about it. But this never entered into it. It has come as a complete surprise to me. I feel that the Senate and the Congress should be entitled to receive such reports, but I do not know whether it is proper or not to ask.

Mr. FULBRIGHT. Could I respond to that? The Symington subcommittee had a difficult time getting this information even in executive session. At first, the State Department refused to produce what we call the Brown letter, which is the basic agreement, the secret agreement, on Korea. We had a terrible hassle with the U.S. Ambassador to Thailand because he said that it would embarrass the Thais if he even talked to the committee in secret session. When he said that, we adjourned the committee meeting. I took the matter up with the Secretary of State and finally they came and most reluctantly gave us this information. This information about what we pay the Thais to go to Vietnam is taken from those hearings.

The Senator says should we receive periodic reports. My goodness, it took 6 months to get this one report. I would like to see my amendment applied to existing agreements, but the press reports that we are presently negotiating, if we have not already agreed, to pay an additional 5,000 Thai troops to fight in Cambodia. I assume—they do not tell us—that this is probably under a similar arrangement. It makes it much more profitable for the Thais to go to Vietnam than to stay at home. It has been a matter of concern to people in Thailand as to who is allowed to go to Vietnam in order to enjoy this high pay. We allowed the Koreans to come down with nothing but one duffle bag and to take away one ton—that is right—one ton—here is the actual phraseology:

Each Korean military person returning from his tour of duty in Vietnam is granted a whole package allowance of one measurement ton, 40 cubic feet of cargo.

Then they list what they get to bring back: TV sets; American beer; American cigarettes; C rations; phonographs; and American electronics.

This Vietnam service is very profitable for them. We know when we hear that these people want us to fight on to victory, and so forth, that their judgment has been distorted because we pay them so well. It is a commonsense matter that these excessive payments should not be continued. The relationship between what we pay them and their own standard of living is out of all proportion. If we paid our lieutenant generals the same percentage of our annual per capita GNP that we pay the Thais in terms of their GNP, our generals would receive something like $150,000 a year additional payment for combat duty.

Mr. GOLDWATER. Let me propose another question——

Mr. STENNIS. Let me answer briefly that question——

Mr. GOLDWATER. I had another one to ask.

Mr. STENNIS. Go ahead.

Mr. GOLDWATER. Commenting on this pay business, I was reading some history the other night, that Roman soldiers were paid the equivalent of $10,000 in 1946 dollars. Thus, high pay for troops is not confined to our period.

I wanted to ask the Senator from Arkansas, what was the reason the State Department gave him, that this material had to be classified, and if so, why should it be classified?

Mr. FULBRIGHT. The main reason was, they agreed with Thailand at the time that they would keep it secret. That was the main reason. They have used this secrecy agreement several times on matters of this kind. One statement about it—I am not sure they made it—but in the course of discussion, I asked them about it; was it not a fact that they did not want to reveal the Brown letter because it would make the Philippines jealous of what we were paying the Korean forces, because it was more than was paid to the Philippines, and therefore could not enter into it? The Philippine case is different, because the GAO reported it had been unable to trace the money or to learn whether the troops actually received it. Our understanding was that they would receive it, but the GAO says they do not know whether they received it or not.

Mr. GOLDWATER. They are faced with the same problem that we Senators and Congressmen are faced with, through the required publishing of the pay we give to each of our Members, which makes it almost impossible to control pay. Maybe that is the reason they do not want to bring the reports out.

Mr. FULBRIGHT. It is public. But the foreign governments did not want these agreements to be public. Furthermore, they like to have us imagine that they are doing this out of their allegiance to this country, being good friends of ours. Not only do they get this combat pay, but other pay as well, for the military and economic assistance in addition. Korea has been getting $200 to $250

million a year. These allowances are only part of it. Of course, we also transport them, set up special communication systems for them, and do a lot of other things in addition to paying their allowances. However, my amendment goes only to the pay of the soldiers.

Mr. STENNIS. Further to answer the Senator's question, the Armed Services Committee does get a report quarterly on the expenditures of money in this bill, including what is spent in the different countries, but there is no itemization or anything of that kind.

Yes; we could require a report on that item.

Mr. GOLDWATER. This matter does not come under the surveillance of the Armed Services Committee. The State Department does it?

Mr. STENNIS. No. This money comes out of the bill, as I understand it. Yes; the State Department was negotiator and they made the arrangements, but it is money that is authorized in this bill for military aid to Southeast Asia.

Mr. GOLDWATER. Might I ask, how is it itemized?

Mr. STENNIS. It is $2.5 billion. It was not itemized at all as to items of this kind. They give us a report quarterly for the sum in each country. But it is not itemized as being so much for military pay.

I want to do something about this. But I want to make it clear that we have agreements here and that we are withdrawing. I do not feel that we should go in there with a meat ax and just go to chopping things up. The agreements have already been made.

I think the Senator agrees wholeheartedly with that.

Mr. FULBRIGHT. Mr. President, I have already mentioned that there apparently is a new agreement with Thailand. The Senator agrees. The Senator from Arizona, I am quite sure, could stop that.

Mr. STENNIS. Absolutely.

Mr. FULBRIGHT. Mr. President, these past agreements were secret. Certainly we did not approve of them. The practice is anything but in the spirit of the national commitments, resolutions. I point out that not only did Congress not receive these agreements, but not even the committee received them. I think the report from the GAO makes it very clear that the reports the Armed Services Committee received were not complete.

Mr. STENNIS. They were not itemized.

Mr. FULBRIGHT. They were not complete. If the Senator would allow me to continue, with regard to the Philippines, I will read a part of the GAO report on the Philippines which has been declassified. It says:

> In accordance with section 401(b) of Public Law 89-367 and section 640(b) of Public Law 89-687, which authorized the support of the Free World Military Assistance Forces in Vietnam with military appropriation funds, DOD submitted quarterly reports to the Congress on the estimated value, by country, of such support based on actual or estimated obligations for material contracts and services. The total cost for this support reported for the Philippines from fiscal year 1966 through the second quarter of fiscal year 1970, when PHILCAG redeployed from Vietnam, was $17 million, or less than 50 percent of the support costs incurred. This variance appeared to be caused by the fact that DOD reports apparently included only personnel and operations and maintenance costs associated with PHILCAG but excluded the cost of equipment.

In other words, it was not complete. I continue to read:

> A recapitulation of PHILCAG-related cost data, by source, follows:

	Million
DOD budget data	$40.8
Reported by DOD to the Congress	17.3

There is quite a discrepancy in the amount reported.

I do not think anybody was aware of this. I know we never heard of it.

Mr. THURMOND. Mr. President, will the distinguished Senator from Mississippi yield?

Mr. STENNIS. How much time does the Senator from South Carolina want?

Mr. THURMOND. Five minutes.

Mr. STENNIS. Mr. President, I yield 5 minutes on the bill to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to call the attention of the Senate to the fact that President Nixon's Vietnamese program is progressing nicely. We have withdrawn 100,000 troops. The announcement has been made of the withdrawal of 150,000 additional troops.

I am very concerned that if our Government reneges on its agreements with these free world countries whether they will allow their troops to remain.

If they do not allow their troops to remain, then we, the United States, may be forced to cancel the withdrawal of some of our troops which we now have on schedule.

I realize that the amounts in what are called monthly per diem overseas allowance are what we might really call supplementary pay. That is what it amounts to. But I would also remind the Senate that these troops from the free world countries, even with the supplementary amounts provided by the United States, will still be receiving far less than our troops are paid. For instance, I will give an example.

A colonel in the Philippine Army is getting this supplementary allowance from us in the amount of $195 a month. That makes his total pay $430.

A colonel in the Thai Army is getting $300 supplementary pay which makes his total pay $490.

A colonel in the U.S. Army is receiving only $65 overseas pay, but his total pay is $1,490. In other words, the pay of a colonel in our Army is almost four times as much as that of a colonel in the Philippine or Thai armies.

Mr. President, this may sound high for overseas pay. If we put it on the basis purely of overseas pay, it is high. It is much more than we allow for overseas pay. However, these people are there helping us. We induced them to come in to help us. They are helping to bail us out.

We are bringing our troops home. Their troops are staying there and fighting the battle.

It seems to me that we had better think well before we try to renege on an agreement that may cause us to have to keep our troops there longer.

It is my thinking that it would be better for the chairman of the Armed Services Committee to take this matter up with the Defense Department and see what can be worked out rather than pass an amendment here today which would indicate to the Thais and to the Filipinos and others that we are cutting off their pay.

It may excite them and cause them immediately to withdraw their troops, in which event we, the American people, would suffer. I believe that the American people would rather pay this supplemental amount to the Thais and the Filipinos and to the soldiers of other free countries than to keep the American troops over there.

I think it is a simple matter. It is a matter that concerns not just our troops alone, but also the American people.

It is my hope that we will not take hasty action on this amendment which could have very serious repercussions.

Mr. STENNIS. Mr. President, I think that the Senator from South Carolina has made a very fine point. I stated that if there is talk about reneging on anything we have done, we have to bear in mind our Vietnamization program.

I think that something ought to be done about this. I believe that the thing to do is to preserve this matter, take it on to conference with the promise that we would try to work out something.

I have in mind calling on the Department of Defense to really give us the schedule of operations there. If they want to, they can bring in the Department of State, too.

I do not know what the attitude of the House would be. But it was in that spirit that I spoke when I said that we would take it to conference.

Mr. THURMOND. Mr. President, I should be pleased to cooperate with the distinguished chairman in this matter. Possibly some step can be taken to effect some reduction in the supplementary pay which is called overseas pay.

But I do hope nothing will be done to cause these 69,000 troops of these other free world countries to be withdrawn and put a greater burden on the United States, disrupt our Vietnamization program, and cause us to stop withdrawing American troops.

Mr. PERCY. Mr. President, will the Senator yield for just an observation on this point?

Mr. THURMOND. I think my time has expired.

Mr. STENNIS. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I think a very good point has been raised today. I would be very disturbed if anything would happen to interfere with Asian nations participating actively in their own defense of Asia.

I feel the statement made by the distinguished Senator from South Carolina might be modified when he said Asian forces are in Vietnam helping us. As I understand the whole theory of our involvement, we are there helping them and they are there protecting themselves.

One of the greatest disappointments I have ever had was to find that we were over there in Vietnam virtually alone in

this effort, unless we are willing to pay all the expenses to other nations in Asia, leaving the burden on us entirely of defending them.

Our shores are not endangered. Our own vital national security is not imperiled here.

Early in my Senate career when I introduced a resolution suggesting Asian nations offer more help in Vietnam to protect their own interests and security themselves, 25 Senators cosponsored that measure. Secretary of Defense Clark Clifford subsequently went on a mission to call on Asian countries, and one of the bitterest disappointments I have had was when he came back and revealed that not one single country had offered one single soldier.

I hope the Senator would not mind my pointing out that in connection with his statement I feel certain he meant to say we are there helping them and they are not just helping us. On the other hand, I would not want to see the rug pulled out from under agreements already made, but I am pleased that the chairman of the Armed Services Committee has indicated his intention to correct inequities in the future as suggested by the proposed amendment.

Mr. THURMOND. Mr. President, will the Senator yield 2 minutes to me?

Mr. STENNIS. I yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I agree we are helping the Asian nations over there to maintain their freedom, but I remind the distinguished Senator from Illinois that we got involved first, before these other free nations came into this conflict, and that we have induced these other free nations to come in now and assume some of their responsibility. To that extent they are helping us because they are remaining while we bring our troops home.

I believe it is in our national security for us to be there. I know this is a controversial point, but, in my judgment, if South Vietnam goes down the drain, the whole of Southeast Asia will go down the drain and next may be Malaysia, and maybe the Philippines, and maybe other countries over there; and then, aggression will continue until we will be more endangered than we are now.

Mr. PASTORE. Mr. President, will the Senator yield to me for 1 minute?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. Is that not the point being made by the Senator from Illinois? If they are going to go down the drain, it means they are still fighting for themselves. That is the point. Here we are giving them premium pay.

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

Mr. THURMOND. My time is limited.

Mr. PASTORE. I will get time later.

Mr. THURMOND. Mr. President, if I may finish my thought, I agree they are helping themselves, and they should. They should have come into the conflict sooner. President Johnson was unable to get them in to any extent. I am glad the Nixon administration has been able to get them in to a greater extent.

It is my judgment it would be a great mistake now not to support them because American troops would have to bear the burden.

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

Mr. STENNIS. I yield 1 minute to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to recall something I experienced in Bangkok. I was at the home of Premier Kittikachorn the night he was sending a battalion of Thai troops into Vietnam.

I said, "I want to thank you for helping us." He did not call me "Senator"; I was not a Senator then. He called me "General." He said:

> We are not sending them to help you, but to help ourselves. We realize the danger of communism, and I do not think you do.

Mr. PASTORE. Mr. President, will the Senator yield to me for 2 minutes?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think we have chewed this bone dry and that we have heard all sides of the question, but somehow it irks me to have it said that they are helping us rather than that we are helping them. I think it is an injustice to American soldiers to give a foreign soldier premium pay in excess of his own for foreign duty. That is one thing we should consider.

This idea that when we add to their pay and it adds up to less than is paid an American colonel does not impress me because their standard of living is lower than ours. For instance, we pay our plumbers more than they pay their plumbers; and we pay our soldiers more than they pay their soldiers.

I am saying we should not have to pay anybody any more than we pay an American soldier.

Mr. THURMOND. I would say to the Senator that plumbers are not subject to being killed and soldiers are.

Mr. PASTORE. Yes. Our boys are being killed—and for whom?

It is said we are going to slow the withdrawal of American troops. Why should we? Why should we not tell them, "We are going to take our troops out and it is about time that you do your own fighting, without premium pay"?

Mr. THURMOND. That is what we are doing. We are taking out our troops, and the other troops are assuming the burden, and we are paying dollars instead of boys over there.

Mr. PASTORE. The withdrawal of American troops has only been a token withdrawal so far. We should take them out faster. We have been there for 6 years, and we are no better off today in Vietnam than we were 6 years ago. The time has come when the President—not the Congress but the President—should stand up and say to the South Vietnamese, the North Vietnamese, the Thais, and the Cambodians, "This is your war and we are going to get out and you had better start fighting your own war."

Mr. THURMOND. We have withdrawn 100,000 troops and President Nixon has announced the withdrawal of 150,000 more troops. He has kept his word so far and I believe he will keep it in the future. There is certainly evidence that he will.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. FULBRIGHT. I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I conclude by saying I applaud the President for the troop withdrawals. It should be accelerated, it should come faster, and we should withdraw all of our combat forces as soon as possible. I realize we have withdrawn 100,000 American troops but we still have more than 400,000 American troops there and the time has come when we should speedily bring them all home.

Mr. THURMOND. All of these men are not combat troops.

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

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

Mr. PASTORE. I have no more time to yield.

Mr. FULBRIGHT. Mr. President, in view of this colloquy, I wish to ask a question of the distinguished Senator from Mississippi. As I understand it, the Senator from Arizona and the Senator from Mississippi are very sympathetic to this problem.

It should be possible for the Senator and the committee, to stop new arrangements of this kind with Thailand such as that being spoken of in the newspaper.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. I realize there is a problem about the existing arrangement, even though it was secret.

The other thing I would like the Senator to commit himself to is that from here on all arrangements be regularly reported, so we know what they are all about. I strongly object to secret agreements involving millions of dollars. I think I saw where over $200 million was paid to Korean troops, not to mention the PX privileges and other privileges, which are worth as much as the other payments.

I hope the Senator could commit himself, if he feels embarrassment about undoing the Brown letter on Korea, by doing two things: To prevent a renewal agreement and to make public future agreements. Everybody is entitled to know how and where we spend taxpayers' money, especially when it is as difficult to get as it is.

Mr. STENNIS. We have the responsibility to follow up any money that comes through this bill. I favor the idea of calling for reports that are more in detail, especially on something like this that is unusual; but most of this money is used for paying battle costs in actual war, and we have not required reports in detail so much. They make these quarterly reports to us, and, according to their notion, they are classified. We could get some of that material unclassified. I have never claimed they had final responsibility for saying what is classified. We will follow up on future agreements.

Mr. FULBRIGHT. The trouble is that the executive branch can jockey this back and forth between the Department of Defense and the State Department. First the Department of Defense says, "This was made by the State Depart-

ment." The State Department then says, "Well, we agreed with the foreign government not to make it public."

We had a difficult time ourselves in finding out about this agreement, even in executive session. It never should have been in executive session. I think they were improvident agreements.

With all deference to the Senator from South Carolina, it was not the fighting quality of these troops that Secretary Rusk and President Johnson were interested in. They merely were interested in a gesture to try to convince the American people that these Asian nations were very interested in this matter and wanted to defend themselves. The Asians had to be persuaded to do it and they had to be paid large amounts relative to their own standard of living, and they are very large amounts relative to their own standard of living.

Mr. STENNIS. I wanted to get them in and, frankly, keep them in.

Mr. FULBRIGHT. The reason was the psychological aspect. The soldiers from the Philippines, for example, did not do one iota of fighting. That was the agreement. We paid them very well to go down there and sit on their behinds because it was supposed to show some solidarity between the Philippines and ourselves. They did not agree to do any fighting. Some of the "Tiger" divisions of the Koreans fight very well, but from letters I have there are different reports about the Thai soldiers.

I have great confidence in the Senator from Mississippi. He is willing to take it to conference to do two things: To keep us advised, so that Congress knows about it, and also to make no agreements in the future.

I would like him to use his persuasion to rework the existing agreements. Because of the way they were made, they never were really commitments of this country.

Mr. STENNIS. That was in a war, and it was already passed. I want to be frank about it. The agreement was made.

Mr. FULBRIGHT. In answer to my specific request, the Secretary of State, in a letter dated August 2, said congressional approval for the specific allowances rates was neither sought nor given by the Congress. They did not ask the Senator's committee.

Mr. STENNIS. We knew nothing about it.

Mr. FULBRIGHT. I know it did not. The State Department negotiated them, although there were military personnel present who cooperated with it.

Mr. STENNIS. Mr. President, I am willing to yield back my time.

Mr. FULBRIGHT. Mr. President, while the Senator is on his feet, is he willing to take up the next amendment now and dispose of it?

Mr. STENNIS. I am willing to take it up. I do not know about disposing of it.

Mr. FULBRIGHT. I understood that the Senator was kindly disposed toward it, too.

Mr. STENNIS. Let us dispose of this first one.

Mr. FULBRIGHT. I am willing to yield back my time.

Mr. STENNIS. I do, too.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

ORDER FOR RECESS TO 9 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 recess until 9 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATORS JAVITS, ERVIN, AND DOLE TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the disposition of the unobjected-to items on the calendar tomorrow morning, the able Senator from New York (Mr. JAVITS) be recognized for not to exceed 30 minutes; that he be followed by the able Senator from North Carolina (Mr. ERVIN) for not to exceed 45 minutes; that he be followed by the able Senator from Kansas (Mr. DOLE) for not to exceed 20 minutes, whereupon the unfinished business be laid before the Senate and at 11 o'clock tomorrow morning the able Senator from Illinois (Mr. PERCY) be recognized to call up an amendment, which I understand to be numbered 818, and that there be a time limitation on that amendment of 1 hour, the time to be equally divided between the offerer of the amendment and the manager of the bill, and that a vote occur on the amendment at 12 o'clock noon.

I have discussed this request with the offerer of the amendment and the manager of the bill and the assistant minority leader. All are agreeable to the request.

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

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the remarks by the able Senator from Kansas (Mr. DOLE) and prior to the laying before the Senate of the unfinished business and recognition of the Senator from Illinois (Mr. PERCY) to call up his amendment No. 818, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

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.

AMENDMENT NO. 812

Mr. FULBRIGHT. Mr. President, I call up my amendment No. 812.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 812) as follows:

On page 19, after the period in line 8, insert the following: "Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

The PRESIDING OFFICER. There is no unanimous-consent agreement on this amendment.

Mr. FULBRIGHT. There is no agreement on this amendment. After conferring with the Senator from Mississippi, we are not prepared at this time to make an agreement, but I would like to make a statement, and then we will either arrive at a time later or go to a vote.

Mr. PASTORE. Mr. President, do we expect to vote on this amendment tonight?

Mr. STENNIS. Mr. President, if the Senator will yield, I really do not believe that we can dispose of the amendment this evening. It is too late. There is a complication about it. I think we ought to open the debate and perhaps, tomorrow, agree on a time to vote on it, somewhere around 12 o'clock. This is the way I see it now. I do not think we ought to agree now.

Mr. PERCY. Mr. President, if the Senator will yield, we have a unanimous-consent agreement for a vote at 12 o'clock.

Mr. STENNIS. We can arrange it tomorrow. I would like the debate to start.

Mr. FULBRIGHT. Mr. President, I shall make my statement on the amendment now.

The amendment would carry out the intent of the Armed Services Committee by prohibiting the use of Department of Defense funds to finance Vietnamese or Thai military operations in support of the Cambodian Government. In addition, it would go one step further and prohibit use of Defense Department funds for military actions by these countries in support of the Laotian Government.

The Armed Services Committee's report states:

There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government.

The committee is to be commended for drawing the line on use of U.S. tax dollars to finance a war by proxy in Cambodia. Recent events prove that its concern over growing U.S. involvement in propping up the Lon Nol government, through third countries, is well justified.

According to press reports a de facto military alliance exists between South Vietnam and Cambodia. Nearly 2 months after all U.S. ground forces were taken

out of Cambodia, 20,000 Vietnamese troops are still spread throughout much of the country, fighting side by side with Cambodian units. Apparently, it is now standard practice for U.S. aircraft to provide close air support for Cambodian units in the thin guise of "interdiction" operations.

The extent of Thailand's current involvement is not yet clear. But the State Department has admitted that tentative agreement—I repeat, tentative—has been reached with Thailand for sending 5,000 "volunteer" troops to Cambodia. That was the report I referred to in connection with the former amendment.

The State Department spokesman said on August 14:

> The nature and extent of whatever support we may provide will depend in part on arrangements worked out between the Thai and Cambodian governments, including the training and disposition of the troops involved.

I interpret this as meaning, in plain English, that we will foot the bill for whatever deal the Cambodians and the Thais decide to make among themselves. Unless the Congress acts it is likely that the American taxpayers will again find themselves the hapless victims of a fait accompli by the executive branch which sucks the United States ever deeper into the quagmire of Cambodia.

The history of the U.S. relations with the Asian nations that, at our urging, send troops to Vietnam is replete with deception and coverup by executive branch officials. Both the Congress and the public have been victimized by a conscious policy to hide the facts about the nature of the agreements with South Korea, Thailand, and the Philippines. If it were not for the diligent work of Senator SYMINGTON's subcommittee the public would still be in the dark about the price exacted from us by those countries. I am sure that the Thais would welcome a United States promise to make Cambodia a profitable operation for their troops, as we did for them in Vietnam.

In any debate over paying other countries to fight a war in Cambodia for us, which is what this amendment is all about, we should not lose sight of a fundamental lesson from our experience in Vietnam; wherever American tax dollars for waging a war go, the American flag inevitably follows. There will be no winning of the war in Cambodia on the cheap, by paying foreign forces to do the fighting. Once the decision is made to try to save Cambodia with foreign troops the die will be cast and our involvement—and our unwritten commitment to save Cambodia—escalated. What will the President do, for example, if Communist forces threaten Thailand in response to a Thai move into Cambodia? Will he be likely to refuse to answer Thailand's call for help under the SEATO Treaty? The possible consequences of encouraging the Thais to go into Cambodia are far more serious than the tens of milions of dollars it is likely to cost us. The cost may very well be a far wider war.

T. D. Allman, the experienced and perceptive reporter who was banished by the Cambodian Government several days ago, had an article in the July 23 issue of the Far Eastern Economic Review describing the growing U.S. involvement in the war. He ended by quoting a neutralist ambassador in Phnom Penh, who said:

> From the very beginning Lon Nol and Sirik Matak were absolutely confident that the United States would rescue them. They seem to have been completely right.

It appears that only through action by the Congress can they be proven to have been wrong.

My amendment goes a step beyond the committee's position by prohibiting U.S. funding of Vietnamese military operations in support of the Laotian Government. It is, I believe, a logical extension of the committee's intent, and but another step in the Senate's attempt to establish outer limits on American involvement in what has become a general war in Southeast Asia. The Senate has now gone on record twice as saying to the executive branch that it cannot go beyond certain bounds in prosecuting the war. It has said, in effect, that "although we may be up to our neck in the quagmire, we are not going to march in over our head." This amendment builds on the Senate's action of last December in prohibiting the sending of U.S. ground troops to Laos or Thailand, and on the Cooper-Church amendment prohibiting further U.S. involvement in the war in Cambodia. Thus far the executive branch has chosen to ignore the Senate's intent in passing the Cooper-Church amendment. By providing U.S. air support to Cambodia forces and in agreeing to pay Thai forces to fight in Cambodia, it has emphasized the danger of delaying further in drawing the line to deeper involvement in either Cambodia or Laos.

My amendment is also consistent with the administration's policy on Laos, as I understand it. On May 18, Secretary Laird when questioned before a subcommittee of the Foreign Relations Committee concerning possible incursions by United States or Vietnamese forces into Laos said:

> The important thing . . . to bear in mind is that a force engaged in combat or carrying out an operation in the border area quite possibly could have crossed the border when it was engaged in combat. It is necessary, from time to time, as far as the South Vietnamese are concerned, to do that, but I want it made very clear that there has been no change. Their mission is not a ground combat mission or a search-and-destroy mission or anything like that. Their activities are in connection with either a battle that is being carried on at a particular time or the air interdiction campaign or rescue operations that may be carried out on the Ho Chi Minh Trail.

Later, when asked specifically by Senator GORE if the "rules of engagement" applicable to U.S. forces applied to Vietnamese forces as well, he said:

> The rules of engagement so far as South Vietnamese and U.S. forces located along the border with Laos are concerned are still the same . . .

Yet, pressures have been at work to send the Vietnamese Army into Laos. Two days before Secretary Laird assured the Foreign Relations Committee that the United States did not support a Vietnamese invasion of Laos, a Laotian Defense Ministry spokesman, according to the New York Times, "suggested that, from a military point of view, it was necessary that South Vietnamese forces intervene to help 'clean up' Laos." And news reports periodically appear stating that the Vietnamese are preparing to do just that.

On July 25 the Washington Star cited reports—

> Vietnamese army commanders are eager to obtain political permission for a major strike into Southern Laos.

The same story reported:

> Lao Communists have accused the United States of "preparing a dangerous military adventure" with U.S., South Vietnamese, Thai, and Lao troops in the panhandle of southern Laos.

In recent days, the Pathet Lao have charged that the United States has sent Vietnamese army units into Laos. Such charges by the enemy have often proved to be very close to the mark in the past.

The possible consequences of a Vietnamese move into Laos are grave. The Chinese-owned Hong Kong Standard has warned that an escalation of the war into Laos "will inevitably bring in the Communist giants" and reminded its readers of China's intervention in Korea. I do not believe that the Congress should leave any opening for the Vietnamese to escalate the war in Laos or risk provoking China into intervening. The only way to lock the door to Vietnamese adventurism in Laos is to cut off the money. That is the purpose of the second part of my amendment.

I feel confident that members of the Armed Services Committee had no desire to authorize U.S. financing of Vietnamese support for either the Cambodian or the Laotian Governments. But the change in the existing law, proposed by the committee, opens the door to financing Vietnamese troops wherever they may be. Existing law authorizes Department of Defense funds to be used to support "Vietnamese and other free world forces in Vietnam." The committee proposes to change that to read:

> Vietnamese and other free world forces *in support of Vietnamese forces.*

Although the committee's stated intent was to make it clear that U.S. funds can be used to support Vietnamese operations in the Cambodian sanctuary area and for "protective reaction strikes in these locations" the change in language permits the executive branch to foot the bill for any operations the Vietnamese choose to undertake, including an invasion of Laos or China. And it would also permit the financing of any Thai operation in Laos or Cambodia as long as it is claimed that the action is to aid Vietnamese forces in these countries.

There is certainly no assurance that the executive branch will follow the committee's restricted intent when the language in the statute is far more broad. And, the Senate has no assurance that the House conference report will not seize upon a generous—and quite different—interpretation of the new wording, superseding the effect which the Senate committee hoped to achieve. If the legislative history is confused, we can be sure that the executive branch officials who will be implementing this authority

will choose the broadest interpretation possible. The only practical way to insure that the language is not used to finance Vietnamese military adventures in Cambodia and Laos is to say so in the statute.

The Senate is slowly but surely imposing effective limits on U.S. involvement in this tragic war. To approve the language in the bill, as now written, would reverse that process and invite a further expansion of the war by the Vietnamese and the Thais, using an American proxy. I hope that the Senate will continue to build on the record of the past and adopt this amendment by an overwhelming margin.

Mr. President, as I conceive this amendment, it is, as I said, a further step in the same direction taken by the Cooper-Church amendment, which was passed by this body only recently. It is also consistent with the amendments offered by the Senator from Kentucky and others last December in an appropriation bill, forbidding the sending of American ground combat troops to Laos and Thailand.

All we are saying now is that money in this bill shall not be used to finance Vietnamese troops to go into Cambodia or into Laos.

There is an article in today's newspaper, supplementing what I have just read from other newspapers, indicating that the Vietnamese are preparing and anxious to go into Laos.

I ask unanimous consent to have printed in the RECORD an article by Murrey Marder, published in this morning's Washington Post, and other articles on the same subject.

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

[From the Washington Post, Aug. 20, 1970]

ALLIED ROLE SEEN BASIS OF LAO CHARGES

(By Murrey Marder)

Allied sources acknowledged yesterday that clandestine reconnaissance units operating in Laos may be the target of the latest Communist charges of war escalation.

For years there has been secret penetration of the Laotian border from the South Vietnamese side by allied patrols, air spotters, and sometimes raiding parties, hitting the Ho Chi Minh infiltration trail area. It was not determinable yesterday, however, if these covert actions suddenly have been intensified or not.

The latest public charge by the pro-Communist Pathet Lao that the United States introduced Saigon "army units" into Laos could be an attempt to forestall an anticipated South Vietnamese bordercrossing attack in force, U.S. sources noted, or it could be for psychological warfare purposes.

Washington and Saigon sources concede that their military planners are urgently pressing for sizeable border crossings into Laos. But these sources say both capitals still regard such operations as too hazardous in domestic and international political terms for the Nixon administration to risk at this time.

The Defense and State Departments in Washington and official sources in Saigon yesterday reiterated their carefully phrased standard disclaimers concerning operations in Laos. These statements are designed to sound like sweeping denials; however, they contain semantic loopholes to circumvent official acknowledgment of clandestine operations.

American spokesmen, in answer to questions, again denied there are any "U.S. ground combat troops in Laos." The Defense spokesman noted that United States aircraft, including helicopters, engage in "air interdiction" against the Ho Chi Minh trail and in "rescue operations which contribute to the safety and security of U.S. and allied personnel," and that the South Vietnamese government has denied sending its "troops" into Laos.

Neither this statement nor one by a State Department spokesman, however, faced the question of whether U.S. helicopters are dropping South Vietnamese patrols into Laos.

"PROTECTIVE REACTION"

A State spokesman went a bit further but still stopped considerably short of the question. He noted that in the past it has been stated that: "Small groups of South Vietnamese have had to cross the border in 'protective reaction' operations; those forces may or may not have been accompanied by American advisers."

A new variation on what the Pathet Lao charges is going on was broadcast late Tuesday night. It claimed the United States is sending "Saigon puppet units" into the Dak Lang area of Saravane province "so as to coordinate action with the Lao puppet (anti-Communist) troops there."

From Saigon the Associated Press reported that despite official denials there, sources said most of the reconnaissance patrols going into Laos "are landed by U.S. helicopters along the 200-mile Ho Chi Minh trail in the lower panhandle of Laos to spot targets for American bombers."

[From the New York Post, Aug 10, 1970]

THAIS GETTING UNITED STATES INVOLVED?

(By William J. Coughlin)

BANGKOK, THAILAND.—Thailand's growing participation in the Cambodian conflict has widened U.S. involvement there, according to diplomatic sources.

Both Thai and U.S. officers here said last week that the U.S. appears to have a clear obligation to come to the aid of Thailand if Bangkok's efforts to support the Lon Nol government provoke attack by North Vietnamese and Viet Cong forces.

A high American official said he believes the U.S. would act under such circumstances.

SEATO OBLIGATIONS

Unlike its position in regard to Cambodia itself, the U.S. under the SEATO pact is pledged to defend Thailand in the event it is attacked by Communist aggressors. In the view of both Thai and U.S. diplomatic sources here, that covers any North Vietnamese counterattack which might be touched off by Thai actions in Cambodia.

Thus, the U.S. might be even more deeply committed in the Cambodian conflict than the Administration's Congressional critics have charged.

Thai police forces already have crossed the Cambodian border in actions against the Viet Cong and sources here report that Cambodian government troops have gone over the boundary to seek sanctuary in Thailand. But, thus far, no Thai regular ground forces are believed to have been committed to Cambodia.

Thai Foreign Minister Thanat Khoman said last week that his country would send regular Thai forces into action in Cambodia if the Thai border is threatened or if the overthrow of the Cambodian government appears imminent.

CITES ASSURANCES

Asked whether the U.S. then, would still have an obligation under the SEATO pact to defend Thailand against outside attack, the foreign minister expressed the belief it would.

* * * * *

Thanat is aware, however, that the pertinent article of the SEATO treaty calls for action in accordance "with Constitutional processes," which possibly could bring the Senate into the act.

There has been some question whether there is a requirement for unilateral American action under the treaty.

But former U. S. ambassador to Thailand Graham A. Martin was asked by Sen. Stuart Symington (D-Mo.) during hearings in November on U. S. commitments.

"Do you believe that under the SEATO treaty, we were and are committed to defend Thailand against Communist aggression and that if we did not go to their defense if they were attacked by a Communist country, we would be violating the treaty?"

Martin replied, "Yes, I do." Later, he named North Vietnam as one of the possible aggressors.

[From the Washington Post, Aug. 15, 1970]

THAI AID ACCORD CONFIRMED BY UNITED STATES

(By Murrey Marder)

The State Department confirmed yesterday "tentative" agreement for American military aid to send Cambodia about 5,000 "volunteer" troops recruited or trained in Thailand.

State Department Press Officer Robert J. McCloskey said "the United States has made it clear that we look with favor" on such "Thai-Cambodian cooperation."

"The nature and extent of whatever support we may provide," he said, "will depend in part on arrangements worked out between the Thai and Cambodian governments, including the training and disposition of the troops involved." McCloskey reiterated that "no final overall agreement on U.S. support for troops recruited or trained in Thailand" has yet been reached.

It was under newsmen's questioning that McCloskey acknowledged that what has been decided so far could be described as a "tentative" agreement for U.S. aid for 3,000 Thai troops described as "ethnic Cambodians" and about 2,000 Cambodians now being trained in Thailand. Labeling these troops as Cambodians and "volunteers" enables Thailand to contend it is sending no Royal Thai government forces into Cambodia.

Sen. Frank Church (D-Idaho) charged yesterday that the reported U.S.-aid intentions, if carried out, "would represent the second violation of the Senate-approved Church-Cooper amendment within a week's time."

The "first" violation, said Church, "was the disclosure that direct American air support is now being extended to Cambodian troops."

Officially, the Nixon administration denies it is engaged in direct air support; it claims this is "air interdiction" of Communist forces in Cambodia to prevent them from remounting a challenge to U.S. troops in South Vietnam. Senate critics counter that this is semantic trickery.

After intense debate, the Senate on June 30 passed an amendment to the Foreign Military Sales Act sponsored by Sens. John Sherman Cooper (R-Ky.) and Church. It would forbid retaining any U.S. forces in Cambodia, using U.S. funds for other nations' combat forces in Cambodia or providing U.S. combat air support for Cambodian troops.

Church said yesterday that "each passing week reaffirms the wisdom of the Senate" in prohibiting the use of "mercenaries" in Cambodia, and rejecting opponents' contentions that the Cooper-Church amendment was "moot" because all U.S. troops were being withdrawn from Cambodia by June 30.

He said he was "dismayed" to hear of "another instance of the abuse that flows from unchecked executive power."

The Cooper-Church amendment was tabled by the House on July 9 on a 237-to-153 vote, without debate, and sent to Senate-House conference where the foreign military

sales bill now languishes. Administration sources indicate they hope to circumvent the Cooper-Church barrier on money to support third-country forces in Cambodia by drawing on funds for direct U.S. aid to Cambodia.

[From the Washington Star, Aug. 11, 1970]

GROUND ATTACK INTO LAOS WEIGHED

(By Orr Kelly)

Ground operations by non-Americans to cut the Ho Chi Minh Trail in Laos are under serious consideration at the Pentagon, but no decision to recommend such an operation is imminent.

One official who keeps a close watch on the situation in Southeast Asia was asked about periodic reports that a major military operation against the North Vietnamese and Viet Cong in southern Laos and northern Cambodia might be mounted by South Vietnamese, Thai, Cambodian and possibly Laotian troops.

"We are constantly assessing our air effort to stop men and supplies moving down the trail," he said, "and trying to determine if the job might be better done with people on the ground. But nothing along those lines is close to a decision."

Such an operation probably would be a relatively quick in-and-out attack similar to the South Vietnamese penetration deep into northeastern Cambodia in the latter stages of the operation against the sanctuary areas.

The major force in such an operation almost certainly would be contributed by the South Vietnamese.

The Cambodians and the Laotians both have plenty of trouble without going looking for more.

The Thais probably are capable of carrying out such an operation, but as one official said, "the Thais have a very low risk-taking propensity."

American forces are specifically barred from taking part in any such operation on the ground by a congressional restriction which prohibits spending money for ground combat operations in Laos or Thailand.

Although this restriction is frequently overlooked by those who fear an expansion of the American involvement in the war in Southeast Asia, defense officials are very much aware of the limit.

While the restriction woud not prohibit the use of South Vietnamese troops in Laos, it would restrict the use of American helicopters to carry them into battle and American artillery to support them.

Even if such an operation across the border into southeastern Laos should be carried out, it likely would be limited in scope and duration because of the lack of American assistance.

"The dollar is the driving force there," one official said, "and there just aren't many dollars for operations not connected with getting Americans out of Vietnam."

This restriction also makes it unlikely that any of our allies in Southeast Asia will embark on any other, more ambitious military operations that have a certain appeal to the Pentagon from a strictly military textbook standpoint.

If forces were available, there probably would be a considerable military advantage to placing a blocking force in the north central section of Cambodia, close to the borders of Thailand, Laos and South Vietnam where two major rivers, the Mekong and the Sekong, join.

Although their efforts are hampered by the monsoons, the North Vietnamese are attempting to establish a firm supply line through that area, using the two rivers as the basis for their transportation system.

At this point, the Sekong is the key river, because it flows southwest from the Laotian town of Attopeu, now in North Vietnamese hands. The river joins the Mekong below the impassable Khone Falls.

A sizable ground force in that area could either block the enemy supply line or force the North Vietnamese to fight in that relatively uninhabited area far from their home bases.

But the likelihood of anything but relatively limited in-and-out attacks in the near future is virtually nil.

[From the Far Eastern Economic Review, July 23, 1970]

CAMBODIA: INTO AN ICEBERG WAR

(By T. D. Allman)

One reason the Cambodian government is increasingly optimistic about its chances for military survival is that the United States and South Vietnam, with US-supplied funds, are on the way to adding approximately three divisions of trained and equipped troops to the National Khmer Armed Forces.

According to well-informed sources here, American and South Vietnamese officers and soldiers have begun training the first elements of two divisions of Cambodian troops at installations in South Vietnam. Another 10,000 or so South Vietnamese troops of Cambodian ancestry are being trained, and will be stationed permanently in Cambodia.

The programme, which began soon after US ground troops left Cambodia on April 29, apparently is being funded with a mixture of US-supplied South Vietnamese funds, American funds originally allocated for South Vietnamese military assistance, and direct US aid to the Cambodian government. The cost of the programme apparently surpasses publicly announced American aid commitments to Cambodia, which so far total only US $9.9 million.

Elements of the first division to be trained in South Vietnam, according to Phnom Penh sources, are being trucked and flown across the border to South Vietnam in company-sized groups. Sources familiar with the training programme leave little doubt that the US is bearing the major financial and training responsibility, even though the programme technically is part of a bilateral South Vietnamese-Cambodian accord. "The American in charge is on his fourth tour in Vietnam," said one of the sources. "In Korea one time, he killed 29 communists with a shovel. Those Khmers may be going in gentle Buddhists but they are coming out tigers."

According to other sources, US personnel already have trained several battalions which have moved into Cambodia recently. They are Khmer Krom units—forces made up of members of South Vietnam's Cambodian minority. According to these sources, Khmer Krom troops in Cambodia soon will total about 10,000. About 4,000 belong to the American-trained and financed Mike-force, which long served as an elite mercenary force in South Vietnam. The rest are composed of Khmer Krom troops drawn from regular South Vietnamese units, given intensive training and sent to Cambodia.

Two of these newly-formed battalions arrived here several weeks ago aboard a convoy of US donated transport trucks. According to one source more Khmer Krom are coming. They will continue to be paid with US funds sent through South Vietnamese channels.

The Khmer Krom soldiers are equipped with American weapons, and have been accompanied by two US-paid Australian mercenary officers. US embassy sources here, asked to comment on the financing of the Khmer Krom units, said, they had "no knowledge" that they were being paid by Washington. But Khmer Krom officers say that "we are being paid through US aid."

The mass training programme for Cambodian soldiers was announced here last week. According to official sources, an initial 10,000 troops will be trained, and government sources say they will be followed by an equal number of trainees before the end of the year.

A decline in the level of communist military activity, a protective ring of US air strikes and South Vietnamese ground operations, and the psychological effect of what Cambodian officials here regard as an unequivocal American commitment to the survival of their regime, have combined to produce a semblance of euphoria in this isolated capital.

Only three weeks ago, when communist troops cut most of Phnom Penh's overland links with the outside world, imminent communist attack was expected here. Now, Cambodian Premier Lon Nol feels optimistic enough to predict "victory in the near future."

The optimism reflects significant evolution in the Cambodian situation. Fluidity has given way to a more stabilised situation in which the communists control most of the less densely populated areas, the government, with foreign help, holds the capital and several of the major provincial capitals, and a less dramatic but very debilitating struggle continues in the in-between areas.

The US air force has begun to fly around-the-clock sorties, in Cambodia, not only against enemy sanctuaries but in tactical support of the Cambodian forces. Evaluations of the Cambodian situation have adjusted to the realities of war. What three months ago would have been considered a major communist attack is now interpreted as a government success if it does not result in a further dramatic erosion of the situation. By absolute standards, communist attacks have not declined greatly.

Many sources here believe that the partial lull is the result of a North Vietnamese decision to continuing to give priority to the war in South Vietnam. "A lot was destroyed in the sanctuaries," said one intelligence source. "But a lot is still out there. We assume the Vietcong now are infiltrating back in to retrieve their caches and re-establish bases near the South Vietnam border."

If the Cambodian government's optimism that the communists have been checked in Cambodia is therefore unfounded, its confidence in a fundamental American commitment to their cause seems increasingly justified.

"From the very beginning," commented one neutralist ambassador in Phnom Penh last week, "Lon Nol and Sirik Matak were absolutely confident that the United States would rescue them. They seem to have been completely right."

[From the Far Eastern Economic Review, July 23, 1970]

SOUTH VIETNAM: ARVN-HALF

SAIGON. Some clutched the booty of war. Others played nervously with their ancient weapons. Some, too sick or tired to stand, lay on the parade ground in the hot sun. And others dressed in the tattered remnants of uniforms three decades old, squinted at the neatly-dressed throng of South Vietnamese soldiers who had come to stare at the survivors of the Cambodian Army's Northeast Regional Command.

"This is just like 1964," said one Saigon officer who could not believe his eyes. In front of him were several Khmer soldiers wearing aluminum cooking pots as helmets, brightly-colored woolen scarves securing the pots to their swarthy heads. A nine-year-old boy with double bandoliers of machine gun ammunition across his chest stood at attention, holding a machine gun. NCOs wearing muddy shower shoes and French battle jackets from the other Indochina War barked instructions in guttural Khmer. And an unidentified Cambodian major, resplendent in new olive fatigues and American jungle combat boots, dashed fowl-like around, spluttering incoherent French, English and Vietnamese.

But looking at what was left of Cambodia's 54th Battalion it was difficult to accept the Vietnamese officer's comment that the Khmers looked like ARVN back in its blackest days. The Cambodians looked far worse.

And now, ostensibly at least, it was up to

ARVN to straighten up these troops, dress them in modern army uniforms, and teach them contemporary military tactics. After five weeks of "refresher" training at Lam Son National Training Centre in the mountains near Nha Trang they will be sent back to Cambodia to replace some of the 18,000 South Vietnamese troops fighting across the border and Cambodianise the war.

Yet despite Saigon's boast that it will be the Vietnamese who will be training the 54th—and four other battalions numbering 577 men each evacuated from Ratanakiri last month by ARVN—it will be the Americans who will be providing the cash and the real meat of the advice and refitting. Washington has not acknowledged this, of course, but then, as it does in Laos, it has its reasons.

Training began simultaneously at Lam Son for some of the 10,000 Cambodian Army recruits scheduled to receive instruction in South Vietnam. Although on the surface it looked as if the ARVN sergeants rounding up the green young men from Phnom Penh were firmly in charge the US was footing the bill. Moreover the large American advisory teams at Lam Son and at two other camps are also actively involved in their training.

Plans for the scheme were drawn up by the Americans at the Military Assistance Command in Saigon and the training began with the South Vietnamese acting as the perfect front for what is in reality a new American investment, and involvement, in the Indochina War.

The United States first showed interest in training Cambodian troops in May when the Lon Nol government, recognising that it could never train, equip and arm enough men in time to meet attacks from its enemies, appealed to Washington again for military aid.

The United States agreed to provide small arms, ammunition, trucks, high military equipment, and serving for Cambodian Air Force planes as part of a $7 million publicly-acknowledged package deal. The plan to train Phaom Penb's troops also was included in the agreement but because it was thought this might be too large a pill for the American public to swallow it was decided to "allow" the South Vietnamese to do the training, a source close to the project said.

When the five battalions, plus about 4,000 dependents were snatched out of Bo Kheo and Labansiek after fighting off the North Vietnamese for several weeks (some of the battalions had lost as many as 200 men), it was also decided to extend the training agreement and for the US to support them too. Transported in US Air Force planes they will undergo extensive schooling and rearming under the training extension.

How much the training of the recruits and the troops is costing the American taxpayer is a closely guarded secret. But more important is the fact that the US agreed to do it secretly, using ARVN as a front, to further disguise its growing involvement in the Cambodian fighting.

Said one American officer, concerned about possible over-expansion of the U.S. military effort in Indochina: "I am afraid we are on the road to involvement at the worst in another Vietnam, at the best another Laos. Despite what the president says there is a tacit agreement here that we are not going to allow Cambodia to go under. And we are already involved in that. You know how we are 'now involved' militarily in Laos. That's the way we are nearly 'not involved' in Cambodia."

The eight weeks instruction adds up to a crash course. ARVN recruits get twice that and even ARVN's training is considered hurried by America standards. They will drill with old World War II US carbines and light machineguns in company-sized arms (about 100 men each) and then will be shipped back to Cambodia as complete companies with their carbines. At the moment, the Americans are concerned about the Khmers having to face up to the North Vietnamese fully automatic AK-47s with their outdated American equipment. "The feeling here is that they should all get M-16s or at least captured AKs," said one adviser. "We are trying to do something about it."

SOUTHERN-FRIED CHICKEN

South Vietnam three months ago sent 40,000 of its American-trained, American-equipped and American-paid troops hurtling into Cambodia in a series of invasions under the codename "Operation Total Victory". The South Vietnamese forces may have persuaded many Cambodians that the Vietcong were the lesser of two evils, as they tore up the previously placid Cambodian countryside with orgies of firepower which even their American advisers found impressive.

South Vietnamese senior officers, notably General Do Cao Tri, a former ambassador to Taiwan, made pronouncements reminiscent of early American statements on Vietnam. A score of South Vietnamese military planners noisily took over the general headquarters here, in the process displacing a number of Cambodian counterparts—including the prime minister's brother—from their offices. Initial tension between the Cambodians and their newfound South Vietnamese friends was exacerbated by Cambodian massacres of Vietnamese civilians and the South Vietnamese habit of looting every village they liberated on behalf of the Lon Nol government.

Now all that is changed, officially at least. Like the Americans, the South Vietnamese are engaged in the difficult business of doing a great deal for the Cambodians while trying to appear to be doing very little.

In Phnom Penh, the South Vietnamese low profile is most evident.

The embassy and residence occupy two small villas. Charge d'Affaires Tran Van Phuoc keeps to himself—when not engaged in frequent conferences on policy matters with Lon Nol and Vice Premier Sirik Matak.

Phuoc, indeed, was specifically chosen to blend into the Phnom Penh scene. He was born in 1918 in the south Cambodia provincial capital of Takeo, attended Phnom Penh's exclusive Lycee Sisowath, and speaks Cambodian so fluently that most of his meetings with Cambodian officials are conducted in that language.

The South Vietnamese officer corps, which works on a counterpart basis with the Cambodian general staff, also affects a low posture. "We are simply here for liaison," insists a South Vietnamese colonel. "If you need any information you should go through Saigon. Or better yet," he grinned, "contact the Cambodians. They are in charge here."

In fact, the South Vietnamese army corps plays as central a role in Cambodia as similarly placed American officers do in Saigon. They have the final say on all Cambodian military plans, provide transport, logistics and munitions for the Cambodian forces, and on many occasions have overruled the entire Cambodian general staff on matters of strategy and tactics.

But no South Vietnamese flag flies at the South Vietnamese military headquarters in Phnom Penh, and no South Vietnamese soldiers or officers can enter the capital without specific permission. "Even General Tri and General Dzu [the two South Vietnamese generals responsible for Saigon operations in Cambodia] must have permission to come here," says a South Vietnamese source, "and they aren't going to get it very often. They've also been told to give up press conferences on Cambodian soil." By whom? "President Thieu has taken a personal interest in this affair."

The low profile extends, less strongly, into the Cambodian countryside. In principle, South Vietnamese troops no longer occupy the territory they secure for the Cambodian authorities. They have orders to stay away from densely populated areas and to turn over to Cambodian troops towns they have taken from the communists.

The South Vietnamese involvement in Cambodia, despite the low profile, amounts to a relationship similar to that of a power over a protectorate. As of last week:

Khmer Krom troops of South Vietnamese citizenship assured the defense of Phnom Penh, and occupied surrounding villages.

12,000 to 40,000 South Vietnamese troops, depending on the needs of the moment, assumed the major responsibility for patrolling most of the countryside which remains nominally under the Cambodia government's control. Every major battle in Cambodia during the past two months has pitted South Vietnamese troops against the Vietcong and North Vietnamese. The Cambodians have not won a major battle since the South Vietnamese expeditionary force arrived.

Several thousand South Vietnamese logistics and staff personnel provided all logistics and most planning for the Cambodia forces. The logistics range from flying in guns and ammunition in transport planes to Phnom Penh to providing helicopters and advisers for Cambodian assault missions.

South Vietnamese helicopter gunships and artillery provided fire support for Cambodian troops on a regular basis.

An unknown number of South Vietnamese troops were moved into the border sanctuaries to continue the task of replacing US troops.

South Vietnam, serving as a funnel for US funds, was providing an undisclosed amount of material and direct financial support for the Cambodian government, according to sources here.

The South Vietnamese presence in Cambodia, therefore, despite its low profile, has become the major Cambodian defense. "This is only temporary," said one South Vietnamese commander, who spoke with an American accent picked up in the US. "It's their war." But the Cambodians, in any real sense of the word, have stopped fighting their own war. A typical episode of the Cambodian war occurred just north of Phnom Penh recently.

An air and water-borne South Vietnamese force of 5,000 men launched a search-and-destroy operation in a densely populated area on the peninsula formed by the Tonle Sap and the Mekong River. Cambodian villagers told reporters that the Vietcong had evacuated the area several days before. But there was no Cambodian liaison officer present, let alone any Cambodian troops. The soldiers spread through the countryside nonetheless and from the bank of the Mekong, smoke could be seen rising from the burning villages. A South Vietnamese artillery battery at 30-second intervals fired random "harassment and interdiction" fire into the Cambodian countryside, despite the fact that there was no longer anyone there to harass or interdict Cambodian villagers.

A dozen South Vietnamese river craft were spread along the river front; eight American-provided helicopters were parked in a nearby field.

A South Vietnamese helicopter pilot sat in the shade with a basket of chickens at his side. He dressed and talked like an American.

"I didn't steal this chicken," he said anticipating the question. "I paid for it." He then went on to explain the search-and-destroy action in the Texas accent he had learned at flight school in the US. "So you see," he concluded, "this is just like an American operation."

Indeed, the South Vietnamese presence in Cambodia, complete with low profile, an excess of firepower and a built-in callousness toward the villagers, seems all too surely to

resemble the first days of the American involvement in South Vietnam.

[From the Washington Star, July 25, 1970]

REDS WARN U.S. ON LAOS

(By Henry S. Bradsher)

HONG KONG.—Lao Communists have accused the United States of "preparing a dangerous military adventure" with U.S., South Vietnamese, Thai and Lao troops in the panhandle of southern Laos.

In a small-scale forerunner of this, the "Lao Patriotic Front" has charged South Vietnamese and Thai troops are already fighting alongside Lao government troops in the area.

The accusations follow reports in Saigon that Vietnamese army commanders are eager to obtain political permission for a major strike into southern Laos.

AIM HO CHI MINH TRAIL

The goal would be the cutting of the complex of routes from North Vietnam through the panhandle which are collectively known as the Ho Chi Minh Trail.

If they could be cut west of the northern part of South Vietnam the benefits of cutting off Communist supplies now being claimed for the southern part of the country as a result of attacks on Cambodian sanctuaries might be obtained for almost all of South Vietnam and for Cambodia, too.

It is, however, a very big "if."

The ruggedness of the terrain and the probable determination of Hanoi not to lose overland access to South Vietnam and Cambodia could turn any attempt to pinch off the trail in Laos into a major new theater of indefinite warfare.

PERIL TO NEUTRALITY

A major military move into Laos, as distinct from the current semi-secret operations there of U.S., Thai and possibly also—as the Communists charge—South Vietnamese forces would create political problems.

It would endanger the grayed remains of Prince Souvanna Phouma's claim to neutrality for Laos, as established in theory by the 1962 Geneva agreements.

In an apparent effort to bolster the appearances of neutrality and thus try to stave off a military move into the panhandle, Lao Communists have been making new efforts to open talks with the prince's government in Vientiane.

Prince Souphanouvong, leader of the Pathet Lao which forms the Communist core of the "Lao Patriotic Front," has announced that he is sending a messenger to his half-brother Souvanna Phouma.

SEEKS BOMB HALT

The messenger also will seek to arrange for the two sides to meet and discuss "the cessation of U.S. bombing so as to ensure safety" for broader political talks.

Souvanna rejected in March a proposal for political talks which was tied to his telling the Americans to stop bombing. His military position in northern Laos depends upon U.S. airpower, and the U.S. position in Vietnam depends upon bombing of the trail in the panhandle.

Souphanouvong, who is assumed by Vientiane observers to be under Hanoi's influence, is believed in Vientiane to be more concerned with getting the panhandle bombing stopped than in advancing positions in the northern Laos of his North Vietnamese-led forces.

His sending a messenger now suggests eagerness to get talks started despite Souvanna's position.

WIDE PLAN POSSIBLE

That he is acting as part of a wider plan was suggested by an announcement that the International Control Commission is prepared to police any political arrangements which can be reached.

This was announced in the name of all three ICC members. Canada has long been willing, but Poland has shown such willingness only when it gets the word from Hanoi via Moscow. The ICC chairman, India, also has sought Soviet clearance before doing anything.

This political maneuvering comes, as the Lao Communist accusations indicated, at a time of intensifying military and diplomatic activities.

The "Lao Patriotic Front" issued its statement in Sam Neua, the Pathet Lao capital, Monday and it was broadcast in sections concluding Thursday. It marked the eighth anniversary of the 1962 Geneva agreements.

LENGTHY SUMMARY

The statement contained a lengthy summary of U.S. activities in Laos which it contended violated the agreements. The summary was culled from American congressional reports, press reports and other sources.

It said that when U.S. troops went into Cambodia, many Thai army battalions "were sent by the United States" to the Lao panhandle. At the same time, "the United States ordered the Saigon puppet army to launch operations in southern Laos."

South Vietnamese commando units are operating in the panhandle, the statement said. It added, "On May 19, a U.S. Defense department spokesman said: 'United States advisers are authorized to accompany South Vietnamese forces' during operation in Laos."

"The joint operations by Lao and Thai troops and the intrusions of Saigon puppet troops into southern Laos show that the United States is preparing a dangerous military adventure in this area in the face of new developments in Cambodia," the statement said.

FOUR-PARTY AXIS

It referred to "busy diplomatic activities (which) have taken place among Vientiane, Bangkok and Phnom Penh" lately, with Saigon also involved.

On May 28, it said, the Lao army commander secretly visited Bangkok. On June 8, the head of Lao military intelligence and others visited Phnom Penh, it said, and on June 15 the head of Cambodian intelligence was in Vientiane.

"Thus, a four-party axis among the anti-Indochina Indochinese and the anti-Asia Asians has been formed to put into practice the 'Nixon Doctrine,'" the statement said.

In this situation, it added, "the United States and the ultra-reactionaries in Laos are pressing Souvanna Phouma to 'reshuffle his cabinet' in Vientiane. They have threatened to stage a coup d'etat in order to cow Souvanna Phouma into implementing their plans strictly and actively."

It is this danger of Souvanna's being pushed into agreeing that South Vietnamese and Thai troops could openly enter his country that Souphanouvong is believed to want to head off by his new attempt to get talks started.

[From the Washington Star, May 11, 1970]

U.S. GROUND ATTACK URGED BY LAOTIANS

(By Tammy Arbuckle)

PAK SE, LAOS.—Laotian rightist leaders here said the United States should hit the Ho Chi Minh trail in south Laos at the same time it is attacking Cambodian sanctuaries.

They said as long as the Communist Vietnamese are using the Ho Chi Minh trail in eastern Laos to send reinforcements and material to Cambodia and South Vietnam, the U.S. effort in Cambodia cannot be fully effective.

The Lao military criticized President Nixon for setting time and territorial limits on American actions in Cambodia. "The North Vietnamese will withdraw to the west then return and rebuild the base areas when the Americans leave," a Lao general said.

Laotians said they expect the Communists to become active in northern Cambodia and to try and build up the Red Cambodian indigenous movement in these areas, supplied from new sanctuaries in Laos, Cambodia border areas.

The Lao military reaction was sparked by enemy moves in military region IV, the southern half of the Laos panhandle. Pak Se is military region IV headquarters.

Heavy fighting is going on now at Phou Luan, the highest point of the rice-rich Bolovens Plateau, 30 miles north of the Lao-Cambodian border.

"If they get the Bolovens they can hide and feed five divisions," the south Laos commander, Gen. Bounphone Mahaparak, said. North Vietnamese forces are grouping west of Saravane, which is the best access route to the plateau.

The Laos lost the province capital of Attopeu last month, opening the Sekhong River Route into Cambodia.

Current U.S. military help to Laos in this area is confined to Army advisers, Air Force forward air controllers, air logistics and Central Intelligence Agency operatives who lead tribal guerrillas from small airstrips on the eastern edge of the Bolovens Plateau.

[From the New York Times, May 16, 1970]

LAOTIAN AIDE SEES NEED FOR SAIGON ARMY'S HELP

VIENTIANE, LAOS, May 15.—A Laotian Defense Ministry spokesman expressed today the growing concern of the military command over the situation in southern Laos and suggested that, from a military point of view, it was necessary that South Vietnamese forces intervene to help "clean up" Laos.

The spokesman, Col. Thong Phanh Knosky, said during a news conference that the North Vietnamese on May 9 had seized the large village of Tang Vay, 57 miles from the town of Savanaket, and today were encircling the Nong Boua Government post 19 miles from Tang Vay. He suggested that the North Vietnamese wanted to open new communications links in Laos to increase their supplies from North Vietnam to South Vietnam and Cambodia.

"From a strictly military point of view a South Vietnamese intervention to cut the Ho Chi Minh trail would be a necessity," the colonel said.

The North Vietnamese were today increasing their threat to the city of Saravane northeast of the Bolovens Plateau in southern Laos where 2,400 civilians have been evacuated in the last few days, Colonel Knosky said.

[From the Washington Star, June 6, 1970]

KY URGES ALLIES TO KEEP REDS OUT OF SANCTUARIES

SAIGON.—South Vietnamese Vice President Nguyen Cao Ky returned here today from a two-day official visit to Cambodia, warning that the allies' Cambodian operation could become a "failure in the future" if the enemy is allowed to return to its former border sanctuaries.

"If we are just satisfied with the results we have gotten until now and we stop our move and go back and sleep and discuss politics, then the enemy will come back in a few months," Ky told newsmen.

"If we do nothing and then the enemy comes back, the success of today will be the failure in the future," he said after his arrival at Tan Son Nhut airport.

He said the future intentions of the allies were more important than the North Vietnamese and Viet Cong ability to fight.

The vice president, met at the airport by U.S. Ambassador Ellsworth Bunker and other ranking U.S. and South Vietnamese officials, conferred with Cambodian Premier Lon Nol during his Phnom Penh visit.

Ky said he had gone to Cambodia to discuss closer cooperation between the Cambodian and South Vietnamese armed forces.

He said he was "very pleased" with the results of the talks.

But Ky, who has stated there is no deadline for the withdrawal of South Vietnamese troops from Cambodia, said he could not elaborate on the military aspects of his Cambodian talks. The United States plans to withdraws its forces from Cambodia by the end of this month.

Ky announced that South Vietnam plans to train 4,000 Cambodian residents of South Vietnam and send them to buttress the Cambodian army.

"What we are doing now is to protect our common interest," Ky said. "They've helped us, they kicked Sihanouk out and now in return we are helping them."

In response to a newsman's question, the vice president said that if the Laotian government asks for assistance in fighting Communist forces, "we would do our maximum to help them." But he did not elaborate.

Ky said he expected "no real hard problems in the future" concerning Cambodia's Vietnamese residents, thousands of whom were placed in detention or refugee camps following the Cambodian coup that ousted Prince Norodom Sihanouk as chief of state in March.

The vice president said he had negotiated the abolition of the afternoon curfew that had been imposed on Vietnamese in Phnom Penh, Cambodia's capital.

Vietnamese in "remote and insecure provinces" will be moved into Phnom Penh until security is restored, Ky said. He added that the South Vietnamese government would repatriate those who wished to leave Cambodia.

[From the Washington Post, May 21, 1970]

KY RIDICULES JOINT PULLOUT TALK AS SILLY

(By Robert G. Kaiser)

SAIGON, May 21.—Vice President Nguyen Cao Ky this morning ridiculed the notion that South Vietnamese troops would withdraw from Cambodia when American forces do as "a silly argument of silly people."

Ky declared that "we will not let anybody tie our hands" to prevent continued prosecution by South Vietnam of the war in Cambodia. He said the South Vietnamese forces had the capabilities to fight on the Cambodian front and in Vietnam simultaneously.

Ky's remarks, delivered at graduation ceremonies of the Vietnamese War College in Saigon, were the toughest yet heard from a senior Vietnamese official on the increasingly sensitive subject of South Vietnamese operations in Cambodia after June 30.

It appears that the South Vietnamese government is determined to continue those operations after President Nixon's deadline for the withdrawal of American troops from the Cambodian front.

NIXON'S STATEMENT

[When President Nixon announced May 9 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," he was asked whether the South Vietnamese would abide by the same deadline. He answered: "No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them."

[Last Saturday, White House officials in Key Biscayne said they had every reason to believe the South Vietnamese forces would withdraw from Cambodia on approximately the same timetable as U.S. forces.]

Such determination to flout the wishes of the United States has been seen here before, but this time it appears to be more serious than previously.

* * * * *

Whether President Thieu would use such harsh language as Ky's "silly people" remark in this context is doubtful. But the Thieu-Ky relationship sometimes resembles the Nixon-Agnew relationship: the vice president here, as in the United States often does the President's tough talking, though Thieu's language on the issue has been more restrained, he has also said there is "no deadline" for his forces in Cambodia.

[Wednesday, Lt. Gen. Do Cao Tri, commander of South Vietnamese troops operating east of the Mekong River in Cambodia, was asked about reports from Washington that a South Vietnamese withdrawal would be linked with the U.S. pullout, according to news dispatches.

["I have not heard that from the Vietnamese side," he said, adding that the Saigon troops "are not under any restrictions, like U.S. forces, unless President Thieu orders us back to our territory."

[Asked how long South Vietnamese troops might remain in Cambodia, Tri replied: "That depends on the enemy. * * *"

[From the New York Times, May 9, 1970]

THIEU ASSERTS LON NOL AGREES ON TROOPS

(By Terence Smith)

SAIGON, SOUTH VIETNAM, May 8.—President Nguyen Van Thieu said tonight that he and Premier Lon Nol of Cambodia had worked out "agreements in principle" for South Vietnamese troops to conduct continuing military operations in eastern Cambodia.

In addition, Mr. Thieu said the two Governments had discussed the feasibility of a South Vietnamese naval blockade of the Cambodian coast line and principal port—Kompong Son, formerly called Sihanoukville—to prevent the North Vietnamese from bringing in military supplies by sea.

"Our navy is capable of guarding the whole coast," Mr. Thieu said. "We have the ships and we think it would be a good idea."

Mr. Thieu made it clear that South Vietnamese troops would not be bound by the restrictions President Nixon has placed on the United States forces operating in Cambodia.

Mr. Nixon promised Congressional leaders last Tuesday that American troops would withdraw from Cambodia by the end of June and would penetrate no deeper than about 20 miles without Congressional approval.

Mr. Thieu said: "We have no deadline, no limits. We will move on intelligence. When there is a target, we will strike it."

Mr. Thieu discussed the Cambodian situation and other topics at a small dinner at the Presidential Palace. Eight foreign correspondents—seven Americans and one European—sat with him at a table under the elm trees on the palace grounds while the President talked for four hours about the situation in Indochina.

Relaxed and expansive in an open-necked blue sportshirt, Mr. Thieu said he was in daily contact with the new Cambodian Premier through the South Vietnamese delegation established last week in Pnompenh. The two countries have had no formal diplomatic relations since 1963.

"I have a friend," he said, laughing, when he was asked about his earlier contacts with the Cambodian regime, "We keep in touch."

The President said he and General Lon Nol had come to their "agreement in principle" about South Vietnamese operations in eastern Cambodia two or three days before President Nixon announced on April 30 that United States troops would cross the Cambodian border to clear out North Vietnamese and Vietcong sanctuaries.

He said Premier Lon Nol had requested support from South Vietnamese forces for the general defense of Cambodia east of the Mekong River.

In the short term, Mr. Thieu said, the agreement would involve direct South Vietnamese military assistance and probably the naval blockade. He said he had already supplied some 4,000 American-trained ethnic Cambodian troops from the South Vietnamese forces, but he expected that more would have to be sent to Pnompenh to bolster the position of the Lon Nol Government.

In the long term, he said, the South Vietnamese would take on the job of training the Cambodian Army, which Mr. Thieu described as weak and poorly equipped. "But they have the manpower," he said, "and we can provide the advice."

Mr. Thieu said he believed that the next six months would be critical for the war as well as for political leaders.

"If Lon Nol and Cambodia stand for the next six months," he said, "then I think Mr. Nixon will win the Congressional elections this year and be re-elected in 1972, because then the operations will have proven a success."

"Also," he said, "if we keep up the pressure on the Communists for the next six months, then I think they will have no choice but to negotiate a settlement or fade away."

[From the Christian Science Monitor
Aug. 3, 1970]

OPPOSITION SEEN ON EFFORTS TO WIDEN VIET WAR—JOINT CHIEFS OF STAFF PROPOSALS SAID TO OFFER THREE OPTIONS

(By George W. Ashworth)

WASHINGTON.—The Joint Chiefs of Staff are proposing a significant expansion of the allied war effort in Indo-China.

According to well-informed sources, papers prepared for the chiefs by the joint staff and now being circulated support:

The coordinated use of Thai and South Vietnamese forces to move against enemy troops in northern Cambodia and southern Laos.

Use of allied troops for operations within the demilitarized zone that separates North and South Vietnam.

The proposals already have run into opposition within the Pentagon. According to a dictate of Secretary of Defense Melvin R. Laird, all proposals of the joint chiefs concerning Indo-China must be given a thorough review by his civilian staff before they reach the secretary for final consideration.

Under the new review system, instituted by Mr. Laird after the decision was made in April to launch allied attacks inside Cambodia, defense review of proposals would be formally finished before reaching the White House.

According to sources, however, the White House already has received at least informal indications of what the chiefs now are seeking.

NEW CHAIRMAN FUNCTIONING

The proposals are among the first major papers prepared under the new chairmanship of Adm. Thomas H. Moorer, who replaced retired Gen. Earle G. Wheeler in early July as chairman of the joint chiefs.

Some officials believe the proposals may reflect the beginnings of a somewhat harder line on major defense issues under the new chairman, who is deeply interested in the war.

According to sources, the proposals are essentially grounded in the belief that the allied effort in Cambodia caused the enemy forces deep distress and that much could be gained by applying continued pressure.

There is feeling among many military men that continued hitting at the enemy, wherever concentrated, could keep Hanoi off-balance, thus saving American lives and preventing buildups that could threaten allied forces in the several theaters of the war zone.

The proposals pertaining to Laos and Cambodia would call for substantial United States logistical backing and the use of American airpower to bolster Thailand and Vietnamese forces on the ground.

According to sources, Admiral Moorer told

the defense civilian hierarchy that the Thais and Vietnamese could fight with American support as proposed with no necessity to increase war expenditures during the current fiscal year.

That point is heatedly disputed by officials in other Pentagon offices. Certainly, it would be harder now than before to take such actions since the budgetary allowances for the war have been cut drastically.

Expenditures for the war peaked at about $29 billion annually in 1968. They began falling as American disengagement got under way in 1969. Current estimates put the war expenditures at about half of the peak level.

As the administration budget is predicated on fairly steady drops in war costs, it might be difficult to finance anything that would keep expenditures level over a long span, much less rising.

The chiefs present three options in the paper on Laos and Cambodia now being circulated.

The first is to continue doing what is now being done, i.e. support the Vietnamese with limited activities in the sanctuary areas, but not deeper into Cambodian territory now being occupied by the enemy.

The second calls for use of Thai and Cambodian forces in portions of northern Cambodia and southern Laos now occupied by North Vietnamese and their allies.

The third option is the same as the second, with the addition of U.S. ground forces.

According to administration sources who have seen the paper, the third option is discounted, largely because of congressional feelings toward use of U.S. forces outside Vietnam and because of the present mood of the public.

The first option; essentially what is being done now, is described, as one source put it, "with a lot of bad words" that make it seem less attractive.

That leaves the middle-road option, and that is what the chiefs now are pushing.

Opposition here largely revolves around a deeply held belief that such activities as the chiefs now are proposing increase instability and spread allied forces thinly without any guarantees of success.

While there is little doubt that the Thais and the Vietnamese could batter the opposition—given heavy American help—the opposition response would be uncertain, as would results, and dangers could be posed for Vietnamization, which many officials continue to view as the Indo-Chinese concern of greatest magnitude at this point.

DEEP CONCERN EVIDENCED

While the views of Gen. Creighton W. Abrams are not known on these new proposals, he has evidenced deep concerns in the past, particularly toward the close of the allied operations in Cambodia, lest Vietnamese and American attentions be allowed to wander too far from the business at hand in Vietnam.

The administration is steadily becoming more deeply involved in Cambodian military affairs, but the President and his closest advisers apparently still adhere to the view that the United States should help Cambodia as it can, short of U.S. troop involvement. That, they believe, must not come.

If the North Vietnamese are indeed preparing to take over Phnom Penh and destroy the Lon Nol government, then disruptive attacks against them in present gathering points and strongholds should disrupt that. But few believe the North Vietnamese are willing now to indulge in such a risky venture. If this is the case, then allied activities could not prevent anything that is not going to happen anyway.

The proposals relating to the DMZ are quite another matter. The chiefs would be interested in receiving approval for allied operations inside the DMZ.

This will be opposed by those who see no threat justifying such a change and would not like to complicate the situation at the DMZ or cause deterioration of the situation created by the "understandings" that preceded the bombing halt over the north.

Mr. FULBRIGHT. This quotation is from one of the most recent articles:

Allied sources acknowledged yesterday that clandestine reconnaissance units operating in Laos may be the target of the latest Communist charges of war escalation. . . .

Washington and Saigon sources concede that their military planners are urgently pressing for sizable border crossings into Laos. But these sources say both capitals still regard such operations as too hazardous in domestic and international political terms for the Nixon administration to risk at this time. . . .

From Saigon the Associated Press reported that despite official denials there, sources said most of the reconnaissance patrols going into Laos "are landed by U.S. helicopters along the 200-mile Ho Chi Minh trail in the lower panhandle of Laos to spot targets for American bombers."

All these articles raise this question, and suggest that preparations for such ventures are being made and that the expectation is that the Vietnamese forces will move into Laos.

So I submit that if we meant what we said when we adopted the Cooper-Church amendment and the other amendments which were adopted last year, this amendment is entirely consistent with that action.

I am very much afraid that if we do not adopt this amendment, with the changed language in the existing law, even in spite of the fact that the committee in its report said this is not intended to finance Vietnamese forces, the House probably would not agree with that, and the administration, the executive department, in connection with preparations being made, would choose to say that the legislative record is fuzzy and not precise and they should go ahead, because the law, it seems to me, could easily be construed to authorize it.

So I do hope that the Senate will accept this further step, consistent with what we did in the previous steps, to restrict our involvement in the war in Cambodia and in Laos.

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

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. Mr. President, I am very glad that the distinguished Senator from Arkansas and the distinguished Senator from Mississippi have decided that we would not vote on this matter tonight, because I think we have to give it some thought.

I understand perfectly what the Senator's amendment intends to do. At the outset, I have some reservations about two points: First, whether this would involve the United States in the governmental decisions of another country; and, second, if we decide that this is all right, how we control this money when we give it in a lump sum. We do not know which dollar is being used for which purpose.

These are the two questions that come immediately to my mind, and I appreciate the time to think them over tonight. I certainly understand the Senator's concern, and I might even reach the point of agreeing with him in that concern. But I would like to hear the amendment debated a little further, so that we can understand what we do, for example, if, under this lump sum of money that we appropriate for Southeast Asian use, in separating the dollars that might be used by the South Vietnamese for sending South Vietnamese forces into Laos from the money they use to send troops into Cambodia or use to fight their own portion of the war.

I would hope that during the course of the debate tomorrow, the distinguished chairman of the Committee on Foreign Relations would give us his thoughts on those two subjects.

The question of our involvement in telling another government what to do does not present such a big problem with the Senator from Arizona as how we control the funds when we know they are not identified. We have just gone through an amendment in which we discussed this, in which the funds are asked of us in a lump sum. No report is made that says that one, two, three, four, and five, "We spent the money in these particular ways."

I hope that some time during the debate we can get some thought as to how this can be controlled, so that if the amendment is adopted, it will be effective and not just be another exercise in semantics on the floor of the Senate that the State Department could get around easily.

Those are my concerns, and I look forward to tomorrow and an opportunity to hear more about it.

Mr. FULBRIGHT. I appreciate the Senator's comments, and I would not minimize the difficulty in sustaining the kind of relationship we have with the government of South Vietnam.

As a matter of fact, practically all their funds do come from us, directly or indirectly; and if we wish to encourage them to invade Laos or Cambodia with their forces, of course they will do it. If we wish to discourage them, I think we can have great effect upon them.

What bothers me most of all is that I think the idea has grown up in Saigon that the United States is their captives. As evidenced, I submit the statement made by the Senator from South Carolina that they are helping us. This is an attitude of many people—that the Saigon government is helping us. It is our war, seems to be the view, and they are coming in very graciously to help us—that is if we pay them to help.

However, not too long ago, most Americans were under the impression that we were helping them. But we get these different points of view. If I understand the Senator from South Carolina, he really believes that this is primarily our fight, because he views this fight as one directed against a worldwide international Communist conspiracy and he believes it is our responsibility to fight that conspiracy, wherever it is. Apparently it is purely incidental that this particular fight is in South Vietnam, but primarily it is our fight, and the Vietnamese and others have been gracious enough, with enough pay, to help us. I think that is the way he views it, and I am sure other people view it that way, also. It all de-

pends on the way one looks at these fights, whether they are taking place in South Vietnam or in the Middle East or in Berlin.

Of course, I do not agree with his analysis, and I do not believe that was the justification that President Johnson originally gave us—whose basis for intervention in Vietnam changed almost daily, according to the criticism.

It reminds me a little of the ABM. About every 2 weeks there is a different justification for it. Secretary Rusk and President Johnson had the same flexibility of justification as to why we were fighting in Vietnam.

I say to the Senator that I appreciate the difficulty, but I do think that, in view of our investment—the cost to his country, and so forth—we, the Congress and the Nation, ought to have something to say about where our money is used and whether or not our money should be used to finance the Vietnamese in Laos or Cambodia.

The Armed Services Committee, itself, has changed this language. I pointed out that they have changed the existing language "would not appear to authorize." Now why did the committee change the language? I think it was to make way for attacks on the sanctuary, just the sanctuary. I say to the Senator from Mississippi, is that not what he——

Mr. STENNIS. If the Senator would yield to me now——

Mr. FULBRIGHT. Yes; I yield.

Mr. STENNIS. I appreciate that, and I would like to get the floor to give a chronological development on that point.

Mr. FULBRIGHT. I am perfectly willing to yield the floor because I think it is that change in language, together with the committee report, which precipitated the amendment. I immediately began to wonder what was the purpose. All I am trying to do is to implement what the committee said was its intention. I should like it to be put in the law, because I have seen often how these interpretations in committee reports, if they do not suit the executive branch, are ignored in practice.

Mr. President, I yield the floor.

Mr. STENNIS. I thank the Senator from Arkansas.

Mr. President, it is well for us to come to this point, to state the committee's position as we understand it. I call attention here, and I think this is an historical development, step by step, which is important and is a part of the legislative history that we draw in here together, and it may well have a bearing.

I have before me, first, title 4 of the general provisions of the bill as it came to our committee from the House, in connection with these funds, which is really what we have been calling all these years: foreign military aid. That ordinarily came through the Foreign Relations Committee.

Until a few years ago, when the war thickened, by common consent, it was sent to our committee, under rather broad language, because of the proximity of things there. Some of this foreign aid was granted to pay the Philippine Army, and the Korean Army, some was for equipment, and some was for this and that. They had given us a report on these items, but it never has been defined with great particularity. For most of it, there is good reason for that, because it is more or less picking up and paying the cost of a battle. The Army moves on. Over the years, though, they have given us an accounting, of a kind. Last year, we put this at a $2.5 billion ceiling. The language read as follows—in the House bill—which was a rescript of the language last year:

> Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes in support—

And here comes the foreign aid, military aid—

> Vietnamese and other free world forces in Vietnam.

I emphasize those last words, "in Vietnam."

When this bill passed the House, the sanctuary in Cambodia had not arisen. When the bill was before us, this battle of the sanctuary was going on, full tilt. So we struck out the words, "in Vietnam." The battle had moved beyond Vietnam. That was, though, consistent with the argument made here that this was not an invasion of Cambodia. It was an extension of the battlefield. So we took out the words "in Vietnam" as being too limited. Our purpose was to cover the sanctuary battle and things that had happened in connection with it. We did not know, then, how far it would go. It was not our purpose, though, to launch into a broad authorization here of unlimited support with military aid to sustain, to guarantee, or to underwrite the Government of Cambodia. We looked upon that as another war. I did. And I think that was the prevailing sentiment in the committee.

After striking out those words, "in Vietnam", we wrote the language this way:

> To support (a) Vietnamese and other free world forces in support of Vietnamese forces.

I go over that again:

> (a) on line 4 of page — of the Senate——

Mr. FULBRIGHT. Nineteen.

Mr. STENNIS. Page 19, right. I thank the Senator.

It reads now:

> To support Vietnamese and other free world forces in support of Vietnamese forces.

Now, at that time, Vietnamese forces were over in Cambodia. There was a battle going on over the sanctuary. Understand now, that none of this money goes to U.S. soldiers or to their cost in any way. This is all foreign military aid. Then that was the way we covered in the body of the bill support of these forces over in Cambodia who were supporting the Vietnamese forces. They were supporting us, too, in a way.

But that is the way we covered the area of the sanctuary and we did not know how far that was going to extend. In the report, we spell out here now, further, what was meant. I refer to page 106 and read briefly from the middle of that page:

> The committee is of the opinion that the phrase 'in Vietnam"—
>
> Meaning in the House bill—
>
> should be the subject of clarification and therefore has substituted the words "in support of Vietnamese forces". The reason for the substitution is to make clear the use of the authority for the purpose of supporting non-U.S. free world forces with respect to the border sanctuary and related area operations in Cambodia, and the protective reaction strikes in these locations. This clarification is for the purpose of protecting U.S. troops and the acceleration of the Vietnamization program.

In other words, at that time, this battle was still going on, the extent of it was not known, and it was our idea not to stop in the middle of the battle or to put on any restrictions, however far this went, as long as it was protecting U.S. troops or accelerating the Vietnamization programs that would be legal.

Then, on the top of page 107, the language covers the point—part of the point, in a way—I read from page 107—when I say report, I mean the official report of the Senate committee on the bill filed July 14, 1970:

> In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized for support in those areas of Cambodia where for the purposes of Vietnamization or the protection of U.S. troops military action becomes necessary.

Now that is broad enough, and we intend it to be broad enough to include areas of Cambodia as long and as far as it was connected with the sanctuary or any program that the President was carrying out. That paragraph on page 107 is as clear as language can make it. We made it broad enough to cover anything connected with our activity there, our Vietnamization, and, that our troops could go back in in another sanctuary under like circumstances. That is what it was intended to cover, going back in for the same purpose.

Then they put the negative here:

> There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian government.

That means the Cambodian Government as such in a movement beyond the reasonable limits of what we had already described. That is the way the bill is before the Senate and the way it explains it is, I think, clear.

I do not think there is any ambiguity dealing with the vague situation we had to deal with which changed from day to day.

I want to make it clear that we intended then to cover the authority of the President if there arose again the need to clear out sanctuaries so that he could do it so far as this was concerned and could pay for military aid to help those that were fighting with the Vietnamese and us, although we used the word "Vietnamese."

I lay that down as a part of the history and part of the situation that led up to the amendment that the Senator has offered.

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

Mr. STENNIS. Let me cite right there the part of the Senator's amendment. I think it ought to come in the RECORD at this point.

The language of the Senator's amendment provides:

On page 19, after the period in line 8, insert the following: "Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

Let us leave out the words "or Laos" for just a minute. I think it does complicate it. It reads "to provide military support and assistance to the Government of Cambodia." That is apart from or in addition to what has already been described. That is my interpretation of it.

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

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Mr. President, with respect to the language the Senator has just read, I sought to use the language of the Armed Services Committee report as nearly as I could.

There are a couple of questions I would like to ask the Senator. I think my amendment would put into the statute what the Senator described just now as what he intended to achieve by this change in language. That is the way I and my staff interpreted the amendment, that it would put into the statute what we believe the Senator intended by his statement in the report. If that is so our only difference is as to whether it ought to be in the statute or not.

I suppose this reflects our relative trust as to whether the Executive will follow the committee report rather than the statute. Maybe the Senator has great confidence that the Executive will follow the report. However, I think it is better to put the language in the statute. We do not seem to differ.

Mr. STENNIS. Mr. President, may I ask the Senator a question at that point, because he has raised a point there. Is it the Senator's interpretation of the bill, as written now, and the report that there is no prohibition in any way on the battle of the sanctuaries, so-called? Then, my next question would be whether there would be any prohibition on additional sanctuaries.

Mr. FULBRIGHT. Mr. President, I was going to raise that very point. What is a sanctuary? After all, that has already taken place.

If the Senator is concerned that this same situation of the sanctuary matter might arise again, that does not bother me too much.

What I am trying to avoid is becoming really involved in a close-scale operation in support of the Government of Cambodia and the Government of Laos.

I say that is the language of the Senator's own report. It denies military assistance to the Cambodian Government from these funds.

Two things occur to me about the sanctuaries.

First, is their definition. The President described them, as the Senator well knows, and set a limit of 21½ miles, I believe, and said that he did not propose to go beyond that point with our troops.

It was generally conceded that was the limit of the sanctuaries as of that given date.

The President also made the argument—and I do not wish to misquote him, but I will describe what he said—that he regarded that incursion, as they use the word, into Cambodia as simply part of the war in Vietnam and not an invasion of another country.

I believe that is a fair way to state it. He said, therefore, that he did not need any additional authority, that the attack on sanctuaries was not a violation of the sovereignty of Cambodia.

The Senator has described the chronological development of this matter. If that is true, either the Senator is saying that the President went in there without authority or that he is trying to rectify that matter now.

If he did not have authority, I do not see why we need to change the language.

If his action then was authorized, then it is still authorized. I do not object to that, if that is it. So why not leave the language like it was.

Mr. STENNIS. In the House bill?

Mr. FULBRIGHT. Yes. I do not know how the Senator can get away from the fact that by insisting on this language in order to give the President authority to operate in the sanctuaries, he must be saying the President did not have this when he invaded the sanctuaries before.

Mr. STENNIS. I think it is purely academic for us to argue about the battle of the sanctuaries now. That is over.

Mr. FULBRIGHT. I agree with that statement.

Mr. STENNIS. What is done is done. At the time we wrote this language, the battle was still going on, so far as that is concerned. We were not in favor of bringing a bill to the floor that someone could jump on and say, "This bill limits what the President is now doing."

So we intended to enlarge it and did enlarge it and also added language that says that as long as the Vietnamization program—and that is a little indefinite—is protecting our men—and that is a little indefinite, but those are the general terms that are used—this money could be used for these foreign troops.

If the Senator agrees that the President did have authority to use this money, talking about military aid, in a recurrence of this kind in the future, why it seems to me that that would end the argument. It is a clear-cut agreement. And I do not see any use for the amendment, leaving Laos out for the time being.

But I want to be frank. I believe we are almost together, and we just want to make a record of it.

Mr. FULBRIGHT. My intention in offering the amendment was to express my explicit agreement with the Senator's statement in the report. That was my purpose; to show I agree with the Senator's sentiment expressed in the report. My difficulty is that I was afraid the language in the bill itself did not accurately and forcefully enough reflect the Senator's intention. My intention is the same as his. I do not want us to get involved in all-out support of the Government of Cambodia—and that is what the report said—or of the Government of Laos.

Then, the only question is, how to tie that down so that the administration would be in agreement with the Senator and me. It is not that I disagree with the Senator but we might find ourselves in disagreement with future administrations.

Mr. STENNIS. You cannot control the administration in these words. Let us stay away from that, if we may. I will be frank with the Senator.

If the Senator agrees the situation would be clear for these purposes I have stated—Vietnamization, and that includes withdrawal and for the protection of our troops; and that another sanctuary would be permitted, I think that ends the argument about the Senator's amendment.

Mr. FULBRIGHT. It seems to me it ends the argument, I agree, the Senator agrees, and the Senator from Arizona agrees. If there is any need for new language, and the House has that language, and we say that language means this, they would have no reason to say otherwise, and that would end it because we do not need new language. Why do you not revert to the House language and say that all agree it will allow the President to do what he has already done? Otherwise, you are bound to have to say, "If you do not agree with that, he did it without authority to go in there in the first place."

Mr. STENNIS. No; we could go back to the House language; it could be argued again that the President exceeded his authority.

Mr. FULBRIGHT. I do not make any argument. The Senator and I agree he did not. We accepted that.

Mr. STENNIS. But there are others.

Mr. FULBRIGHT. Who would dare do that?

Mr. STENNIS. I yield to the Senator from Arizona. I see now why we did not agree to a time limitation. This is a difficult matter.

Mr. GOLDWATER. I think we are much closer to agreement than it would seem.

I would like to ask the Senator from Arkansas if his amendment would cover the type help we have been giving; and I refer to two parts. Would it prevent tactical air support in Laos?

Mr. FULBRIGHT. This only deals with funds for foreign forces. This does not deal with funds for our forces. This is only foreign aid which the Senator was talking about.

Mr. GOLDWATER. I wanted to make that clear.

Mr. FULBRIGHT. It does not deal with our own forces.

Mr. GOLDWATER. Would it prevent the use of helicopters by the South Vietnamese in support of Laotian troops, say, in the Plaines des Jarres?

Mr. FULBRIGHT. It might. The Senator refers to South Vietnamese troops

in support of Laotian troops in the Plaines des Jarres.

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. I think it would. We are trying to avoid becoming involved by our associates, whatever it is, and drawn into an overt war in Laos. It would not make any difference if it were in Laos or Cambodia. We are trying to apply the same principle. The only difference might be there are more sanctuaries in Cambodia. I am perfectly willing to agree with the Senator's idea about sanctuaries.

I think it would prevent paying South Vietnamese forces to go to the support of Laotian forces in helicopters, on foot, or in trucks, or in any other way.

Mr. STENNIS. I wanted to propose that we leave Laos out of this amendment.

Mr. FULBRIGHT. The Senator posed the question.

Mr. GOLDWATER. I asked about Laos because I think this is the thrust of the Senator's amendment.

Mr. FULBRIGHT. That is correct.

Mr. GOLDWATER. I am referring now to the border between Laos and that portion of South Vietnam that is close to North Vietnam. If South Vietnamese forces were used to upset any sanctuaries that might develop in that area, would this run contrary to the Senator's amendment?

Mr. FULBRIGHT. No; to be consistent, I think there are some sanctuaries right on the border. To be consistent I do not know how I could distinguish between them.

Senators will remember the theory of the President in explaining the incursion; that it was not an extension of the war; that it was not an incursion into a foreign country. That is about the way he put it.

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. Then, he had to have whatever authority he had with respect to the war.

That is why I think there is a logical inconsistency in saying now he must have this change to make it legal. The reverse has to be that it was not legal before. You cannot have it both ways. I would rather have it the old way and commit myself to accept his theory that he was entitled to go into the sanctuaries to protect our own troops and our program in Vietnam.

What we are really after is expansion of the war into two other countries, and I think that is what the committee said—support of the Government of Cambodia; it is almost a replay of the Vietnam war. That is what the Senator from Kentucky was saying, and I thought the committee agreed.

Mr. GOLDWATER. I can assure the Senator this was not the intention of the committee. We at no time proposed any language to support a new government.

Mr. FULBRIGHT. That is correct.

Mr. GOLDWATER. What we want to make sure of in our language is that we do not prevent the South Vietnamese from taking care of situations that are similar to the one the President had to decide on in connection wih Cambodia.

Mr. FULBRIGHT. The sanctuaries.

Mr. GOLDWATER. Yes. I would hate to see us accept language that would prevent that.

Mr. FULBRIGHT. We do not seek that, but we do seek to prevent the South Vietnamese or the Thais, with our money, from going in there and building a full-fledged partnership with the Government of Cambodia and drawing us in.

Mr. GOLDWATER. My interpretation of the committee language is that it does that. I think it spells out plainly that we are not supporting the governments of these other countries.

Mr. STENNIS. The Senator is correct.

Mr. FULBRIGHT. But the change in language—if you will leave the language as it has been without this change, and with this legislative history, I would be satisfied. People will say, "Why did you change that language? It must mean something. The House did not have it." People assume that it means something.

Mr. STENNIS. May I answer the Senator?

Mr. FULBRIGHT. I think it would be better to take it out and we would agree what it means.

Mr. STENNIS. It means to cover the sanctuary situation as it was going on when that language was written, or as it may recur. It means nothing more.

The Senator agrees he would approve that, so we are at home base.

Mr. FULBRIGHT. I approve it. The only trouble is, will the administration approve it? The administration has not approved it. I agree on that and we should get the language into the bill.

Mr. STENNIS. Let me suggest this. This matter goes to conference. The language of the House bill will be in conference. The language of the Senate bill will be in conference, and so far as it relates thereto, the report language will be before the conferees. What the Senator from Arkansas has said will be before the conferees. That is true of the Senator from Arizona, the Senator from Mississippi, and other Senators who may have discussed this matter here. If we leave Laos out, are we not together on this problem?

Mr. FULBRIGHT. I do not quite see why, if we agree to this rather broad interpretation that the Senator from Arizona mentioned, we should leave Laos out. What is "bugging" the Senator on Laos? I do not understand it.

Mr. STENNIS. Leave it out of this amendment because it is an altogether different situation.

Mr. FULBRIGHT. Well, not altogether.

Mr. STENNIS. The Ho Chi Minh Trail is there.

Mr. FULBRIGHT. We are not going to bother the Ho Chi Minh Trail. We had that out on the Cooper-Church amendment. I am not trying to bother the Ho Chi Minh Trail. What I am trying to to do is to avoid becoming involved in support of these countries against internal civil wars they may get into. That is how we get dragged in behind them.

Mr. STENNIS. The Senator asked me why I want to leave Laos out. If I may finish my answer now, the question is, Why does the Senator from Mississippi suggest that we strike the words "or Laos" out of the amendment? An altogether different situation is involved. We have been in there a long time. We went into Cambodia just for the sanctuary battle.

Mr. FULBRIGHT. What does the Senator mean when he says "We have been in there a long time"?

Mr. STENNIS. The Senator knows we have been in there for a long time. The Ho Chi Minh Trail is there. We bomb it constantly.

Mr. FULBRIGHT. Oh, yes; but I am not talking about that.

Mr. STENNIS. Let me finish. We have all the complications that go with that. We provide some military aid to the Laotians. The Senator is familiar with that. It is in the bill. Cambodia has been left out, as the Senator knows. The situation in Laos is known. It is stabilized. The language in the Senate bill is exactly as it is in the House bill. The language that says we can still aid the local forces is still in the bill. We have no such language for Cambodia.

So, like it or not, good or bad, Laos has a status, and it is a part of our battleground, just as the sanctuary was.

I think we could agree on something if the Senator would leave Laos out of the amendment.

Mr. FULBRIGHT. As I have said, I am not bothering what we ourselves do. The amendment will not bother what we give to the Laotians. It is simply saying, "Look, we do not want our so-called allies from Thailand and Vietnam to go up and get us further involved. We have some degree of control over what we are doing."

It will not disturb what has been the past practice in Laos. The Senator says that Cambodia is not provided for, but the administration right now, according to word that we have—and this is an additional reason why the amendment is important and it is coming up here to brief us on it—is in the process of negotiating a very substantial aid program for Cambodia. I think that is a very dubious proposition, but they are in the process of doing it.

The Senator says that they were left out of the bill, but it is not left out of the planning of the administration, although no presentation has been made to our committee on this matter. Of course, the President has discretion, up to $50 million, to take funds designated for one country and give them to Cambodia; but no aid was contemplated for Cambodia at the time we considered the bill. This is a new deal.

That fact makes it all the more important that we make it explicit that we do not want to get bogged down in another war like Vietnam or Cambodia or Laos. I do not expect the amendment to affect what has been going on in Laos—that is, the bombing of the trail, our assistance to Laos, or what our people are doing

there—because it does not affect that. It is to keep the Vietnamese or the Thais from dragging us into another war. In a word, that is the purpose of the amendment.

Mr. STENNIS. So the Senator from Arkansas is saying that anything we have going on in Laos now is not to be affected in any way by the amendment he offers?

Mr. FULBRIGHT. Not that I know of. The reports in the newspapers as of today—I know it officially—indicate that the South Vietnamese are getting ready to mount an invasion. I hope that is not true; but in my opinion that is not acceptable. What I was referring to was what has been the traditional operation; what was going on 2 or 3 months ago, such as the bombing. Recent actions are what I would exclude. If they have been doing something else in the last day or 2, that is what I would object to.

Mr. STENNIS. The Senator would exclude anything such as might have happened in the last 2 or 3 days.

Mr. FULBRIGHT. Exactly; anything such as has been published in the newspapers as having taken place quite recently.

Mr. STENNIS. The Senator would exclude anything that has been taking place in recent days. He does not intend by his amendment to exclude——

Mr. FULBRIGHT. To exclude what we call the traditional operations——

Mr. STENNIS. In Laos?

Mr. FULBRIGHT. Yes. That was the whole thrust of the amendment of the Senator from Kentucky. He did not want to have us become further involved in Laos. But his amendment related to Laos and Thailand. He did not include Cambodia; we got into that later. This is entirely consistent.

Mr. COOPER. Mr. President, I hesitate to get into the debate because I think the Senator from Arkansas has made his point clear. I merely repeat—we have talked it over so many times—that his purpose is to prevent these funds from being used to get the United States involved in support of Cambodia through the use of Vietnamese troops.

Mr. FULBRIGHT. That is correct. It is not intended to be a rollback. I do not intend it to be a rollback, but to stop the operations from going further.

Mr. STENNIS. May I ask the Senator from Kentucky a question out of order? The Senator has heard what I have said concerning the situation as I see it. Does he agree that it is correct?

Mr. COOPER. I agree that what the Senator from Mississippi and the Senator from Arkansas have agreed on is correct, yes. I favor the language that the Senator from Arkansas has proposed, because it makes so clear that the activities on the Ho Chi Minh Trail would not be curtailed.

Mr. STENNIS. I think we have had a most helpful exchange and a very fine presentation. I do not think we can dispose of the amendment tonight. There are other amendments from our committee that I would like to have a chance to speak to or to have colloquy on with any Senator who wishes to speak to them.

Mr. FULBRIGHT. I wish to compliment the Senator from Mississippi for his contribution and for making it very clear that he does not approve of expanding the war by proxy into U.S. support of the Cambodian-Laotian action. There is confusion about this, and there is considerable concern that it might be expanded if we do not take real, positive steps to prevent it. I am very much pleased that the Senator from Mississippi thinks as he has just expressed himself.

Mr. STENNIS. I have told the Senator from Arkansas everything that is on my mind. I want to make it clear that I am a "sanctuary man," and the Senator from Arkansas agrees to that.

Mr. FULBRIGHT. I accept that. I am not trying to roll back anything; I am trying to prevent any advance.

Mr. STENNIS. I thank the Senator from Arkansas for yielding. I believe the debate has been profitable.

I understand that other Senators desire recognition, so I do not claim the floor any longer.

Mr. PERCY. Mr. President, it had been my intention to call up my amendment No. 818 to H.R. 17123 some time early next week. However, to facilitate the work of the Senate, and in accordance with the suggestion made by the majority leader and the assistant minority leader, I have agreed to a unanimous-consent arrangement whereby we shall begin debate on this amendment at 11 o'clock tomorrow morning and will vote at 12 noon.

Because of the shortness of time, I am delivering tonight to each Senator a copy of the statement that I shall give tomorrow, so that Senators may have adequate time tonight or tomorrow morning to study this matter.

In addition, I have just come across a piece of additional information that I should like to have printed in the RECORD tonight, so that it may also be studied by Senators, because there is not time for me to reproduce it and deliver it to their offices this evening.

The material to which I refer is a portion of the Fitzhugh report, which is technically known as the Blue Ribbon Defense Panel Report, dated July 1, 1970. Under section III, entitled "Military Personnel," subsection b, "Rotation," on pages 137 and 138, the report concerns itself with the overdone practice of transferring officers. It agrees with the basic thrust of the amendment that I have put forward. This section entitled "Rotation" states very clearly:

Officers and enlisted men are rotated among assignments at much too frequent intervals.

It is clear from the evidence that the rotation practices which have been followed result in (a) excessive and wasteful cost, (b) inefficiencies in management, and (c) difficulty in fixing responsibility.

A staff study of Army, Navy and Air Force promotions to General Officer and Flag rank in 1969 revealed this situation: there were 174 officers in the group and their average service was 24 years; these officers had been given 3,695 assignments, or an average of 21 per man; the average duration per assignment was 14 months. Looked at another way, the average officer had spent: 8 years in Operational assignments, 5 years in Service Schools and other educational assignments, and 11 years in Staff assignments.

Although this is a relatively small sample, there is no reason to believe that it is not reasonably typical of the prevailing career pattern of all military officers.

It is recognized that some assignments must be of limited duration: for example, operational assignments to hardship or combat duty. School assignments also are of limited duration as these are determined by the length of the course. However, in the case of the other assignments, there are no such inherent limitations.

The driving force in almost all of these assignments (combat assignments excepted) is to give the officer a wide variety of exposure as an aid in his training and development. The problem is that the requirements of the job seem to be secondary to the career pattern which has been mapped out for the officer.

This system of rotation of officers leads inevitably to deficiencies in management. Officers assigned for such limited periods simply cannot acquire a knowledge of the work, become familiar with the qualifications of the people, make plans, set goals and push the work ahead.

This system of rotation not only fails to provide management and leadership needed on the job, but also has deficiencies in accomplishing its stated purpose—the development of the officer himself. Men are not developed by being observers; they must have responsibility to assure growth.

From the point of view of the position to be filled, as well as in the best interests of the officer himself, his job assignments should be of sufficient duration so that he can become thoroughly involved in the work and be fully responsible for results.

There is merit in giving to officers opportunities in a broad spectrum of military responsibilities. Nevertheless, under existing conditions in which technical or professional training in areas other than commanding men have become of increasing importance, the Services' current rotation policies and rates are counter-productive.

In the technical and professional areas, the rotation rules often call for rotation of an officer out of an assignment at a very critical point in the job he is performing. In addition, when an officer is rotated out of a technically complicated job, his replacement often either comes at the time of rotation or later, and therefore, does not have an adequate opportunity to acquire the necessary background before his predecessor leaves.

In other words, this practice that has been observed for so many years by the military services actually destroys what they are trying to do. It does not add to the training of the men; it detracts from the training of the men. It does not add to the morale; it detracts from the morale of the families.

It is the very reason that my own administrative assistant, after 14 years in the U.S. Navy, a Naval Academy graduate, a man who was executive officer of a nuclear submarine, a man whom the Navy had put years of experience into training, and who finally left the service so that he could be with his family more frequently, helped in the preparation of this amendment. He, like many others in the military service, simply had to put being a father ahead of being a military officer.

This same situation exists with many military personnel I have worked with, and the amendment is based on my own experience as a naval officer and my working relationship with the military service over a period of 28 years.

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

Mr. PERCY. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I commend the Senator on his amendment. As I understand, it would save a certain amount of money. The cost on this——

Mr. PERCY. The cost on this is $1.3 billion, for that particular section. By excluding all combat areas, for instance——

Mr. PROXMIRE. That is what I wanted to bring out. The amendment would exclude Vietnam?

Mr. PERCY. It excludes Vietnam. It also excludes $300 million for the training of personnel, and I have taken that whole amount out, even though I recognize that the training cost would be less if they did not rotate the men so frequently.

By taking out those two sections, we have remaining $560 million, and I have only asked for a reduction of 25 percent from that amount.

We have given DOD 11 months for planning the program before putting the plan into operation, because this does not take effect until July 1, 1971.

In other words, we have made it an absolute amount, and the size of the Armed Forces presumably will be substantially lower 18 to 24 months from now, so that the $420 million allowance should certainly provide plenty of money for them; but it should cause them to take a good, hard look and discard some of these old procedures and practices that have been carried on for so long, which I think it is about time to discard. Without detracting in any way from the efficiency and the modern approach and procedures used by many of our military services, in my opinion some officers and some enlisted personnel cling to their old procedures and practices, and I believe it is about time we guide them, even kicking and screaming, into the 20th century, and relate them to the new circumstances and the new cost-effectiveness we must have in all these programs.

Mr. PROXMIRE. The reason I asked the Senator to yield is that I think that many people will think primarily on the manpower question, of men sent to Vietnam.

Mr. PERCY. We have totally excluded that.

Mr. PROXMIRE. And I think we would both agree that is extremely important, of course, and that anything that would endanger that rotation would be extremely hard for us to accept. But the Senator exempts combat zones entirely, so that rotation would not be affected by his amendment in any way; is that correct?

Mr. PERCY. That is correct. With those remarks, I apologize to my colleagues for not preparing the material early enough to present it to them and allow adequate time for study; but I think that by making this insertion in the RECORD at this time, it will enable them to properly prepare for the vote tomorrow.

I know that $140 million is not an earth-shaking amount in a bill of this size, but I think when we are trying to reduce in every conceivable way unnecessary and wasteful expenditure, we should take every opportunity that we can to identify and clearly focus on areas which I think have too long been overlooked, and that this area should now be reappraised and analyzed. Let us ask whether or not we can now establish the principle that we are going to rotate personnel less frequently, and perhaps the Department of Defense itself can come up with an even larger reduction in the next fiscal year.

Mr. President, I yield the floor.

AMENDMENT NO. 853

PROXMIRE-SCHWEIKER C–5A AMENDMENT

Mr. PROXMIRE. Mr. President, I am honored to submit an amendment with the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER). Senator SCHWEIKER and I have worked hard and long to try to achieve an amendment that is fair to the taxpayer as well as, in our view, assuring that we will obtain production on these C–5A planes.

On behalf of Senator SCHWEIKER and myself, as well as the Senator from Texas (Mr. YARBOROUGH), the Senator from Massachusetts (Mr. BROOKE), the Senator from Ohio (Mr. YOUNG), the Senator from Missouri (Mr. EAGLETON), and the Senator from Alaska (Mr. GRAVEL), I offer the amendment, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. SCHWEIKER. Mr. President, it is a pleasure and a privilege to join with my colleague from Wisconsin in sponsoring this amendment. I do so in the very firm belief that there is something wrong—terribly wrong—with a defense procurement system which allows the conditions which have been so widely publicized on this contract. But I hold an even stronger belief that if we merely rubberstamp the Defense Department's request for money they firmly maintain they do not even owe, we shall be setting the worst kind of precedent.

In my view, particularly with all of our needs for money for so many important domestic programs, the Air Force's request for an additional $200 million for the C–5A program is one of the most important defense procurement issues facing this Congress, or, indeed, that has faced any prior Congress. This can be our opportunity to make a landmark decision, whether to bring our military procurement policies out of the "horse and buggy" era, and begin to exercise control over our inefficient and grossly wasteful defense procurement practices, or whether we will again approve another Government giveaway, a practice that could not flourish in the private sector of our economy.

If we choose the latter course, then I believe that the taxpayers of this country will have every right to believe that we are running away from our constitutional responsibilities of legislative oversight.

So much has been written and said about the unfortunate state of affairs that surrounds the C–5A contract, and the huge cost growth estimates associated with it, that I will not take the time to go ino all the sad details. As nearly as one can determine, the original Air Force estimate for 81 planes was approximately $2.67 billion. The latest estimate, as contained in the committee's report on the bill, is approximately $4.6 billion.

No one really knows at this time what the eventual cost of these 81 planes will be. Unfortunately, we can only deal in estimates at this time. But the Air Force originally wanted to buy 120 planes, and their estimate for those aircraft, at the time the contract was signed, was substantially below the $4.6 billion they are now estimating what only 81 planes will cost.

In addition, the Department of Defense has come to Congress this year and asked for more than $600 million for this program. The $200 million of this amount the Air Force says they do not owe to Lockheed. But in the next breath, they tell us that Lockheed will have to stop building planes shortly after December 31, 1970, if they do not get the $200 million we do not owe.

I ask my colleagues: What kind of procurement system do we have? What kind of procurement system do we have in which the buyer says, on one hand, says: "I don't owe him this money," and, on the other hand, says, "but I have to pay it to him if he is going to keep producing the product for me." Mr. President, as a former businessman, I cannot for the life of me understand how this body can allow such a system to operate in this foolish way any longer.

As a member of the Armed Services Committee, I proposed an amendment to the bill, in committee, which would have simply deleted the $200 million dollar amount from the Defense Department's request.

Although that amendment lost, by an 11 to 5 vote, and I am very grateful for the support of those who supported my view in committee, I am aware of the reasons why our country has a need for these planes. I do not quarrel with the rationale for that need. I believe the Government should have these planes, and at the least possible cost.

Our amendment has been drafted with a basic purpose in mind: To assure that the Congress would no longer have to take on faith the information provided by the Government and by the contractor. Senator PROXMIRE and I agree that the only way that the Government and the people who pay the bills will acquire these planes at the most reasonable cost possible is to insure that we have some independent judgment in the process, that somebody other than DOD or the Air Force makes an assessment about the cost of these planes to the taxpayers. This is why we stipulate that part or all of this $200 million contingency fund can be authorized or spent only after such a determination by the Armed Services Board of Contract Appeals, or at the direction of a court appointed trustee, under a voluntary or involuntary bankruptcy or corporate reorganization proceeding.

Earlier this year, the Defense Department stated its position on Lockheed's financial problems in a fact sheet, in which it said, in part:

The Department of Defense has repeatedly emphasized to Lockheed management . . . that it is not the intent of the department

to preserve the corporate entity or its present management. To the contrary, the efforts by the Department have been directed toward protecting the public investment in those vital national security programs which the company has in development and production.

I believe I speak for my colleague, the Senator from Wisconsin, and I certainly speak for myself, when I say that we agree with the objective. So does our amendment.

We have no intention of arguing that the Government does not need these planes. We have no intention of putting 20,000 people out of work.

But we also have no intention of letting the Government pay any more for these airplanes than is absolutely necessary, and we have no intention of allowing the outdated procurement practices, so evident in this instance, to be followed indefinitely.

Last year, as Senators will recall, I felt so strongly about this kind of problem—the problem we are facing now—that I offered an amendment to the military procurement bill calling for quarterly audits of major defense contracts. I was grateful then, and I am grateful today, for all those who supported my efforts, and if we did not win the war at that time, at least we won the battle. Today, my concern has not lessened. It has grown. If we had a system such as I proposed last year, we would know a great deal more about the immediate crisis financially in Lockheed and where the Government stands.

A Presidential commission has recently advocated substantial reforms in defense procurement practices. Many of those reforms can be implemented administratively. But, if this body does not take steps now, as I believe we must, to put the Pentagon and its contractors on notice, then I believe we will have lost a golden opportunity.

I ask Senators to support this amendment, whether they believe that the C–5A is needed or not, in the hope that we can give the clear indication to the Defense Department, the defense industry, and, most important, the people who pay the bills, that we are unwilling to sit back and give a blank check to these requests, without asking "How much?" "How many?" "When?" and "Why?"

Mr. President, before concluding, I ask unanimous consent that the following material be included in the RECORD at the conclusion of my remarks: The text of my additional views, included in the Armed Services Committee report on the military procurement bill for fiscal year 1971; an article published in the Washington Sunday Star of June 7, 1970, entitled "C–5A Money Troubles Obscured Over Years"; and an article published in the Wall Street Journal of May 28, 1970, entitled "Ailing Lockheed Urged by Pentagon To Seek Bank Aid, Merger, as Well as Federal Help."

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

ADDITIONAL VIEWS OF SENATOR RICHARD S. SCHWEIKER

The Fiscal Year 1971 Military Procurement Authorization Bill contains an unprecedented $200 million request over and above our contracted obligations for the controversial C5A transport plane.

In my view, this request is one of the most important defense procurement issues Congress will face this year. This can be our opportunity to make a landmark decision—whether to bring our military procurement policies out of the horse and buggy era. The issue is whether we will turn down the $200 million request and begin to exercise control over extravagant and wasteful defense procurement practices, or whether we will approve another government give-away and broadcast to all defense contractors that a blank check military spending policy remains in effect.

My amendment in committee to delete this $200 million from the bill was rejected by an 11–5 vote, and I will soon bring the issue before the full Senate. Thus it is imperative that all Senators be aware of the enormous, and in my view, unwarranted and unwise precedent Congress will be setting if the money is authorized.

This is a classic case of a corporation bidding in low to get a contract, and then handing the final inflated bill to the government and the taxpayers to pay when the contract price and performance cannot be met by the successful bidder.

Lockheed corporation won the contract with a bid in 1965 of $1.8 billion, nearly a quarter-billion dollars less than the bid of the Boeing Company whose design was recommended by the Air Force. A recent report by the Securities and Exchange Commission dealing with Lockheed and the C5A concluded that Lockheed purposely lowered its bid unrealistically to insure it would get the contract.

Many of the facts and figures are a matter of public record, and do not need detailed exposition here. Even though the total buy has been estimated at more than $2 billion above the original contract price. And if the wing design should have to be re-done, as scientific reports indicate may be required, the cost could easily escalate by many millions more.

Lockheed is in financial trouble, and on March 2, 1970, wrote Deputy Defense Secretary David Packard to request approximately $641 million as a "contingency fund" for contract disputes on four major projects, including the C5A. Not long afterwards, the Defense Department admitted that the $200 million request in this bill was not just the first increment of the "contingency fund," to enable Lockheed to continue production under their existing C5A contract. This, I think, is worse.

I am against spending one cent above the contract price merely to subsidize corporate inefficiency or contract mismanagement. I believe Congress must use this issue to draw the line. Denial of this request for $200 million will serve notice loud and clear that although both government and industry have been sloppy in the past, we are going to demand efficient performance by contractors and strict adherence to contract prices and specifications in the future.

An historical perspective is helpful to understand why this $200 million bail-out request is such a symbolic issue, and why this line must be drawn.

Ever since World War II, military procurement policies have fundamentally not changed. A blank check has been given to military spending without the careful scrutiny and cost accounting demanded of other foreign and domestic expenditures. Until recently, military appropriations have breezed through Congress with little debate, and have received, at best, only routine analysis within the Executive's Budget Bureau.

Weapons system technology has leapfrogged, and the military procurement process hasn't caught up. With the growing sophistication and complexity of military systems today, costs have skyrocketed, which means we can no longer afford haphazard buying practices for the systems we want, and we can no longer afford to buy systems that may not work or that may not be needed.

Another antiquated and wasteful practice which cannot be permitted with today's costs is allowing production to commence before research and development is completed. If production equipment must be changed to incorporate the results of the final stages of R&D, it is obvious that original contract prices will jump dramatically. But, too often, Congress initially authorizes development of a defense system at a moderate price, when, if the final price tag had been known, such initial authorization would not have been given. Then, once millions are already expended, we have to either approve the cost overruns, or throw the initial money down the drain. More often than not, we yield to this financial blackmail, and pour millions more into the project to "protect" our initial investment. Only the contractors who bid in low in the first place gain, and ethical and responsible bidders are punished.

Congress can no longer allow itself to be lured by defense contractors into approving systems at low prices, and the taxpayers can no longer afford to pick up the tab for cost overruns.

Deletion of the $200 million item, and official Congressional refusal of Lockheed's and the Defense Department's request for this new kind of government subsidy can set the proper tone for military procurement policy for some time to come. The "buy-in" and government "bail-out" that has occurred with the C5A is perhaps the most glaring example of the inadequacy of our military procurement system. But, there are many other contracts with similar drawbacks. Holding the line at this time can have a healthy influence on all other existing contracts, and serve as a deterrent against unrealistically low bids on all future contracts.

Only if Congress is willing to take this step now can the public have any real confidence in our commitment to protect their pocketbooks. And only if Congress is willing to draw the line at this time will other contractors be on notice the buy-in bids over-optimism, and poor management will no longer be rewarded, or winked at, but will be subject to the most searching and thorough investigation, and will be paid for by the company and its own stockholders, instead of by the government and its taxpayers.

This amendment does not affect the $344.4 million in the bill requested by the Department of Defense for as yet unfunded obligations under contract. It does signal a halt to government rewards for inefficient production, and the beginning of the government use of sound business practices in its defense procurement. It urges the setting of an important precedent which will benefit all taxpayers.

To pass this amendment is to take the first real step toward reversing our World War II military procurement climate that so strangles our national budget and our weapons systems selection process today.

[From the Washington (D.C.) Sunday Star, June 7, 1970]

C–5A MONEY TROUBLES OBSCURED OVER YEARS

(By Stephen M. Aug)

Despite growing financial and technical problems designing and building the controversial C5A jet transport plane, Lockheed Aircraft Corp. continued issuing mostly rosy reports to its shareholders, a two-volume Securities and Exchange Commission staff investigative report indicates.

The 198-page report, the product of more than a year of intensive investigation, strongly hints also that the Air Force in at least two instances kept quiet about problems it had uncovered in the C5A program in order to protect Lockheed's financial situation—and in particular the price of Lockheed stock.

In one case, after the Pentagon had issued

a "cure notice" on Feb. 1, 1967—in effect advising the company to cure deficiencies in the plane or the contract would be cancelled—the Air Force prepared, but never made public, two press releases on the matter.

And in spring 1968, the Air Force ordered kept out of widely circulated reports on the C5A its own estimates that Lockheed "will over-run the ceiling price of the contract by a significant margin, that is, they will encounter large monetary losses on the program."

ACTION EXPLAINED

The Air Force said it never made its estimates public because they were estimates only—and if they eventually proved wrong after wide publicity, the Air Force would be accused of acting irresponsibly. The study which produced the estimates bore the notation they were considered "extremely sensitive in view of adverse publicity and stock market implications."

The investigative report is the basis on which the SEC has decided to conduct a wide-ranging proceeding into questions concerning the adequacy of disclosures made to share holders and other investors with respect to costs incurred on major defense contracts.

The report details transactions by 16 corporate insiders in Lockheed stock—but the staff has made no conclusions that these transactions were made in violation of SEC insider rules. The commission itself has found no such violation.

A section of the report on "disclosure," however, details the publicity Lockheed gave to the C5A as the years wore on and as the company began to suffer from the effects of what was a radically new concept of aircraft procurement contract. The report does not say the company violated any SEC rules.

Lockheed won the contract in September 1965 to design and build 58 jet transports. The contract was to extend six years, and the Air Force had the option of buying an additional 57 aircraft between January 1969 and March 1972.

Lockheed won the contract on the basis of its substantially lower bid than either of two competitors: $1,714 million. Boeing Aircraft Co. had bid $2,014 million and Douglas $1,793 million. The Air Force said Boeing's entry was a better design.

"Lockheed wanted this contract badly and apparently knew they had to come in with a low bid to get it," the SEC report says. As a result, they cut estimates sharply—but figured the firm still would make a profit of 3 percent of costs.

In the year following, problems arose and costs soared from the original $1.3 billion projected to more than $2.4 billion by mid-1968, and far more later. This not only wiped out the anticipated profit, but imposed on Lockheed the possibility of very significant losses.

In early 1969 the estimated loss was reduced after the Air Force decided to buy some additional planes, but the SEC says "there is sitll potential for incurring a substantial deficit on the program." Estimates of the deficit ranged from $500 million to $640 million

STATEMENTS TRACED

The SEC investigative report traces Lockheed's public statements chronologically.

In the 1965 annual report, Lockheed noted it had won the largest single military transport contract ever awarded. It was the first of its kind, and made Lockheed wholly responsible for technical, schedule and price performance. In fact, Lockheed had to meet specifications 100 percent, compared with the long-standing practice of meeting more generalized goals.

In the 1965 report, the SEC noted there was no mention of early technical or inflationary problems "which had surfaced at that time, but the impact of these was probably unclear so early." Lockheed did not disclose the anticipated rate of profit.

In mid-1966 Lockheed announced unveiling of the first full-scale mockups—but made no mention of substantial redesigning activity, other than that the size had been increased slightly.

The 1966 annual report—being put together after the company had been threatened with contract termination—contained a notation in the financial statements that it had been notified that action must be taken to assure there would be no default on performance. It noted that lead-time problems had increased.

THREAT ISSUED

In March 1967 Lockheed filed with the SEC a registration statement to issue $125 million in debentures. The Air Force threat had been issued Feb. 1, 1967. The underwriter was notified of it Feb. 17.

The prospectus included two brief mentions of the C5A which gave some indications that problems had arisen. The SEC staff questioned whether the two brief paragraphs adequately described the Air Force notice.

In addition there was no mention of technical problems and related cost over-runs "which had been experienced to date, of cost increases . . . caused by economic factors in the industry and in the economy as a whole, of increases in labor and overhead rates . . . of schedule uncertainties . . . of the fact not only had the engineering task been uncertainties . . . of the fact not only had the engineering task been underestimated" but there were problems in tooling and concern over production. Nor was indication given of financial problems.

Reports to shareholders in mid-1967 included information on progress, but "there was no indication of production cost problems having arisen."

The 1967 annual report was dated March 15, 1968, a few days before Air Force officials briefed Lockheed that according to their estimates the company "was in a substantial loss position" and three weeks before the company told the Air Force it was estimating a small loss.

The cover of the report showed the roll-out of the first C5A, the report included praise by some of those present at the ceremony; the plane was reported on schedule: first sales in 1967 were $117 million; sales for 1968 would be nearly $500 million.

SILENCE ON COSTS

In May 1968 an interim report to shareholders made "no mention of any cost problems."

In July 1968 a semiannual report to shareholders included a picture of the first flight and quotes by outsiders at the first flight. "No mention was made that by this time Lockheed was projecting a substantial loss if it did not" get an additional order for planes, and that even if it did get the additional order, "considerable loss might be incurred." The same report said five C5A's were scheduled for 1968 delivery, and second half sales would increase substantially. "No mention was made of the fact that the company was planning on booking these sales at zero profit because of cost increases," the SEC said.

By the time the 1968 annual report was issued, a note in the financial statements indicated the company might not realize a profit. The note said that in January 1969 the Air Force had exercised its option to buy an additional 57 planes—a total of 115—and on that basis "no loss is anticipated."

But in 1968 the Air Force was projecting a $285-million loss on the 115 planes. The SEC report said: "The Air Force was projecting a loss of $500 million on the 83-aircraft program. Lockheed was still predicting break-even." The Air Force now says it needs only 81 of the planes.

The SEC staff said the 1969 statements of the company "include a much more complete picture of the real level of the contingencies involved." The 1969 report, while still contending the company will break even, reflects a possible pre-tax loss of $500 million to $640 million based on the C5A program only, while no potential loss was given for 1968.

[From the Wall Street Journal, May 28, 1970]

AILING LOCKHEED URGED BY PENTAGON TO SEEK BANK AID, MERGER AS WELL AS FEDERAL HELP

WASHINGTON.—The Pentagon told Congress that it hasn't yet found a solution to Lockheed Aircraft Corp.'s tough financial problems.

But Deputy Defense Secretary David Packard stressed that it will require private as well as Federal assistance to enable the defense contractor to get back on its feet and continue major military projects.

Testifying before the Senate Armed Services Committee, the Pentagon's No. 2 man declared, "It isn't my intent today to present to you a resolution for the Lockheed financial predicament as much as I would like to do so." But, he added, "I recognize the necessity to segregate (Lockheed's) commercial from Government business, and I am convinced that no resolution can be achieved short of bankruptcy and reorganization under Chapter 10 of the Bankruptcy Act, without financial support from the private sector."

Therefore, Mr. Packard said he had urged Lockheed's management "to seek financial assistance from the banks and even through merger in order to preserve their capability."

"Even with the most favorable resolution of the Government contract problems that I could consider at this time," Mr. Packard said, the company would find itself short of cash unless it also got private help.

MERGER ALTERNATIVE LISTED

"The most desirable course, therefore, is for the company to seek additional financial strength through commercial channels," the Pentagon official said. "The alternatives would include a merger with a strong partner, substantial additional underwriting of their financial requirements by commercial banks or investment bankers."

Lockheed is currently "in the process of exploring" these alternatives, Mr. Packard told the Senators. He said, "It will take a month or two, at least, for them to cover the possibilities which might be available."

On March 2, Lockheed told the Pentagon that it would have to halt work on four major defense programs within one year unless it received more than $600 million of interim financing. The programs are the C5A cargo jet for the Air Force, engines for the SRAM missile for the Air Force, the Cheyenne helicopter for the Army and several shipbuilding projects for the Navy.

In Burbank, Calif., a Lockheed spokesman said the company has been and is continuing to explore possibilities of securing additional financing from the private sector. The company said it was pleased that "Under Secretary Packard underscored the critical importance of continued Government financing of the C5A and specifically that he stressed the absolute necessity of the $200 million contingency in the military authorization bill for C5A progress payments in the 1971 fiscal year."

Mr. Packard asserted that Lockheed's "financial crisis" is complicated by the fact that it is having problems with its commercial "air bus" as well as with its military programs—a point that was made last week by Sen. Proxmire (D. Wis.), a frequent critic of the defense contractors. Lockheed has denied problems with the air bus.

In yesterday's testimony, Mr. Packard said he has stressed to Lockheed's creditors that "no Government funds can be allowed to flow

into the air bus program and that this and other commercial programs must be financially supported from private sources."

C–5A PROGRAM

Discussing the C–5A program, which is at the heart of the company's problems, Mr. Packard said that unless Congress approves the Administration's request for $544.4 million for the year starting July 1 it "would, in effect, be curtailing the C–5A program." Of this amount, $344.4 million is required for prior-year unfunded production obligations (with $296 million going to Lockheed) and the $200 million is for "contingencies," according to the Pentagon.

"Under any possible solution to the Lockheed problem which I can now see, the $200 million will be required for work which must be done" in fiscal 1971, Mr. Packard said. "I can assure you that there is no possible solution in which these funds wouldn't be required except that involving the termination of the C–5A program."

However, Mr. Packard promised the Senators that "actual use of the $200 million will occur only after the Lockheed problem has been defined and the proposed solution reviewed with the appropriate Congressional committees."

Noting that the Government already has over $2 billion invested in the C5A program, Mr. Packard said that a cancellation at this point would mean that "we would have about 20 planes for that money." Abandonment of the program now, he suggested, "would appear illogical in light" of the fact that so much of the early money went for research and development rather than the planes themselves. And the Deputy Defense Secretary said the Air Force needs the "airlift capacity" the C5A will provide for the rapid deployment of Army divisions.

CRITICIZE DESIGN, COST

At the same time, however, Mr. Packard offered the most critical assessment of the C5A by a Pentagon official to date—declaring that "a better design and a lower cost should have been possible."

In its latest annual report, Lockheed asserted that the C5A "is meeting or exceeding performance guarantees." Yet Mr. Packard said the Pentagon has "encountered technical problems in three areas"—structures, landing gear and electronic systems. Pending completion of testing, the defense official said that the C5A's maximum gross weight will be restricted to 712,500 pounds (compared with the anticipated 728,000) and the payload to 174,000 pounds (compared with 220,000).

"We may decide to accept some modification of the operational requirements," Mr. Packard said. "The decisions in this area must be made with a strong emphasis on cost." He added that it probably won't be possible "to hold the contractor responsible to meet all of the contract specifications" because "he doesn't have the financial capability to do so with his own resources."

If the Government decided to pay for additional development work, Mr. Packard said, "I am sure we will find" that some of the electronic systems requirements "in hindsight weren't needed."

Nevertheless, Mr. Packard expressed confidence that these problems can be corrected without compromising the basic mission of the aircraft."

Turning to other Lockheed projects, Mr. Packard made these points:

—Development should be continued on the Cheyenne helicopter, which ran into rotor problems, to enable the Pentagon "to make cost and performance analyses with helicopter systems already in our inventory."

—Lockheed's claims for extra money for its shipbuilding programs should be processed through established procedures and "not treated in an unusual manner" because of the company's financial troubles. In the past two weeks, claims for $46 million were settled for $17.9 million; others are still outstanding.

—Claims under the SRAM missile program, for which Lockheed Propulsion Co. is a subcontractor for the motor, will be resolved through established procedures by the Armed Services Board of Contract Appeals. The Pentagon won't deal directly with Lockheed to avoid undermining its relationship with the price contractor, Boeing Co.

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

Mr. SCHWEIKER. I yield.

Mr. PROXMIRE. I congratulate the Senator from Pennsylvania on his very forceful and effective statement about the amendment.

I was especially impressed with the great emphasis he put at the beginning of his speech on the fact that, on the basis of the judgment of the Air Force, we do not owe this $200 million to Lockheed at all. There is no legal basis for providing these funds except as a grant. Is that not correct?

Mr. SCHWEIKER. The Senator is correct. The Air Force has admitted this time and again before our committee, and that is the irony of the situation.

Mr. PROXMIRE. So what we are doing here is giving them $200 million of the taxpayers' money—giving it to them. This is in spite of the fact that this was a contract that had a target price. It had a ceiling price far above the target price. In addition, it was revealed this morning in the Washington Post—and I am going to discuss this in some detail in my speech—that there was a further adjustment even above the ceiling price of more than $200 million. On top of that, the committee would propose that we give this defense contractor an additional $200 million, and, furthermore, that this is just the beginning—that they are going to get $800 million above the contract, even as the contract fattened and generously interpreted by the Air Force, before we get the 81 planes. Is that correct?

Mr. SCHWEIKER. I think that is a very important point; because, actually, the $200 million is only a starter—it is only an ante up the ladder—because DOD now says, "Even though we owe them nothing more, we are going to have to pay them at least $800 million more to keep them solvent"—$800 million. That still could be in dispute, because Lockheed says that they need something like $600 million.

So we are really going to raise the contract perhaps another billion dollars. No one seems to be concerned about it.

I want to say to the Senator from Wisconsin that he has expended a great amount of effort and pioneer work and factfinding, and conscience searching as well, on this whole problem. I congratulate him on his efforts and am pleased to join him today in what I hope will be a mutual effort to alert the people of this country as to what is happening in the procurement system. I highly commend the Senator from Wisconsin for his leadership in this area.

Mr. PROXMIRE. I thank the distinguished Senator from Pennsylvania. I think that all of us here were surprised when we found Congress was about to go along with the administration to give $200 million to Penn Central. After it was given more consideration by Representative Patman and others, the administration backed down and decided it was better to let Penn Central go into bankruptcy.

People then said, would the trains run on time, or even be able to operate, or would people be thrown out of work?

What happened?

The $200 million was not given to Penn Central. It did go into bankruptcy. The trains have not been interrupted even by one single hour, let alone a week, a day, or a month. No jobs have been destroyed. It has been handled according to law and without government largess—and, most important, it has been handled without precedent, a precedent that would have haunted this body and Congress as a whole for years.

Now, if we are going to give $800 million or $1 billion to the biggest defense contractor in the country, because they say their costs run too high, where do we draw the line?

THE SAGA OF THE C–5A—WHY THE PROXMIRE-SCHWEIKER AMENDMENT SHOULD BE PASSED

Mr. President, the conditions tied to the $200 million contingency fund for the C–5A in the military procurement bill do not protect the public interest.

This is especially true if Lockheed Aircraft Corp. carries out its threat to default on its contract with the Air Force.

The lack of tough conditions on the $200 million fund is just another example of the Pentagon's penchant to roll over and play dead in the face of complaints from Lockheed.

Let me summarize the current situation. The Government has paid Lockheed everything it has coming under the contract. The Air Force claims that it owes Lockheed no more. But the Pentagon proposes in this bill to pay them $200 million anyway. Lockheed claims the Government owes them the money on the C–5A but refuses to make public their cash flow and other financial data so that a reasonable judgment can be made The least the Senate should ask is to know that that money is necessary, or are we going to give them the $200 million on their word?

Lockheed threatens to default on the contract if the money is refused, in which case, the company says, subcontractors would go under, employees would be fired, and the company would fold.

The amendment which my cosponsors and I are offering would see to it that, first, the planes were finished and delivered; the subcontractors kept whole, and, finally, the workmen kept at their jobs building the C–5A's. We say, if Lockheed deserves the money, give it to them if they have it coming. Right now the Armed Forces Board of Contract Appeals has the Lockheed claim before it. The appeal has been there since early this year, and it should be decided quickly since this is an administrative board. If the board determines that Lockheed does not have the money coming to it, then two events could occur. The company would still be able to finish the contract—and we have no hard evidence they could not—or the company would default on their contract. In the event of a default, our amendment would keep

the plant open and get the 42 planes built.

As matters stand now, the bill proposes to give Lockheed $200 million, which the Air Force says it does not owe. Our amendment attaches conditions to the money to insure that the interest of the Government, the taxpayers, and the men in the plant are protected before this huge amount of money is paid out.

I think this must be done if our stewardship responsibilities are to be discharged. This is a watershed decision, a precedent which will affect the Government's dealings with contractors for years to come. In view of the importance of the decision facing us, I believe it would be worthwhile to review the history of this program to put our current problem in proper context.

Mr. President, the history of the C–5A has been marked by concealment and attempts by the Pentagon and its principal contractor to mislead the Congress and the taxpayers. On November 13, 1968, the previously concealed $2 billion overrun was revealed in the course of hearings before my Subcommittee on Economy in Government. Since that time, we have persisted in our attempts to get the full facts on this disastrous program. We have had a difficult time.

FIRING OF FITZGERALD

The Air Force witness who confirmed our staff's initial estimate of the huge C–5A overrun was isolated, stripped of his major responsibilities, harassed, and finally fired for his testimony. The Air Force tried frantically to repudiate the testimony and to discredit the witness. However, subsequent events proved that the testimony of this witness, Ernest Fitzgerald, was accurate and conservative.

We learned that a party line was concocted in the Air Force to minimize the C–5A difficulties in order to avoid jeopardizing Lockheed's $125 million bond issue. It was revealed that the Air Force's own internal cost reports were falsified in order to protect Lockheed's stock market position.

STRUCTURAL DEFECTS

In the course of our inquiries, we learned that the structural integrity of the C–5A had been suspect since late 1966. That is the bill itself. Meanwhile, the Pentagon had been claiming, indeed boasting, that the aircraft exceeded all specifications. We learned that they were able to make this claim only by reason of the fact that the specifications had been reduced to match the expected lower performance of the contractor's product. Our requests for full disclosure of the technical status of the aircraft were evaded by the Pentagon. Later my colleague on the Subcommittee on Economy in Government, Congressman WILLIAM MOORHEAD, learned that even the reduced specifications were not being met by the aircraft when they were accepted by the Air Force.

OUTCOME PREDICTED LAST YEAR

Last year, I introduced an amendment to the Defense Procurement Authorization bill aimed at requiring factual analyses of the C–5A program. I thought that we should do this before authorizing the first installment of what appeared to be a blank check for further purchases of this extremely suspect airplane. During the debate on my amendment, I presented what I thought were compelling arguments for delaying the ruinously expensive pig-in-a-poke commitment proposed by the Pentagon. I have no desire to embarrass the Senators who argued against me at that time, but I invite them to reread last year's debate. I argued that by the end of 1970, all the funds owed to the company would be used up; that the planes would not be built; and that they would be back for added money. Of course, that is exactly what happened.

The record is clear. Anyone can make a mistake. The Senate made a mistake on the C–5 issue last year. Not only were hundreds of millions of dollars wasted in the unhappy decision, but to make matters worse, we appeared to be rewarding the perpetrators of deception and poor stewardship.

It is clear that we have been and are dealing with a highly organized and deliberate concealment and evasion of facts by the Pentagon. In fact, documentation of this situation is now so overwhelming that the purpose of the Pentagon's evasion and deception is showing through. Clearly, they are putting the immediate financial welfare of a giant, favored contractor ahead of the interests of the hard-pressed taxpayers. In my opinion, they are putting the welfare of existing contractor management groups ahead of true defense capability. Every attempt by conscientious civil servants and military officers to bring the runaway C–5A costs under control has been blocked by top officials at the Pentagon. For an excellent account of this shabby affair, I call attention to the article entitled "The Lockheed Scandal," by James G. Phillips, in the August 1, 1970, issued of the New Republic.

Mr. President, I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

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

THE FREIGHT TRAIN IN THE SKY

Mr. PROXMIRE. Mr. President, Senators opposing my amendment last year predicted dire consequences would result if we held up additional planes until making the cautious and factual review I have proposed. In place of the orderly, systematic review so clearly dictated by the facts at that time, we had instead a largely rhetorical and emotional defense of the "Great Freight Train of the Sky." On this basis, the opponents organized the overwhelming defeat of my amendment.

Only a few months later, the disastrous cost increases so accurately predicted by my staff forced the Pentagon to reduce the planned quantity of C–5A's from 115 to 81. Bit by bit, news of the severe technical difficulties in the program sifted through the Pentagon's elaborate information barrier. Slowly but surely, the Congress and the hard-pressed taxpayers realized that they had been conned again. The miracle of military procurement was another disaster.

LOCKHEED THREATENS DEFAULT

Early this year, my staff learned that Lockheed was threatening bankruptcy as a means of enforcing their demands in negotiations with the Pentagon. On February 27, I wrote to the Air Force to ask them to stand firm against this tactic. On March 4, the Air Force denied knowledge of the bankruptcy threat. On March 5, the next day, Mr. Packard, the Undersecretary of Defense, essentially confirmed the situation, disclosing that Lockheed had threatened suspension of work on vital military programs if their demands were not met.

Once again, my staff and I were suspicious. Despite the obvious and growing financial catastrophy for the taxpayers, we could see no reason in the military programs for an immediate cash problem, given the Pentagon's generous practice of paying giant contractors progress payments based not on their progress, but rather on costs incurred.

The Senator from Virginia (Mr. BYRD) brought out on the floor that we paid them, not, as I suspected, 90 percent progress payments, but 100 percent. Therefore, on March 10, I wrote the Comptroller General, asking him, among other things, to provide me an analysis of Lockheed's cash flow on all their major programs, military and commercial. It seemed clear that programs other than military projects were contributing to Lockheed's current cash bind.

Again, the Pentagon stalled. They pleaded ignorance. They pretended not to know what we were talking about when we asked for this most elementary of financial analyses, one required by every prudent smalltown banker as a precondition for a business loan. Any smalltown banker would require a cash flow before making a modest loan. I have learned that this form of evasion is standard practice in the Pentagon, and is known as the idiot treatment in their colorful jargon.

After weeks of delay we were told that, although the Pentagon did not have a cash flow analysis for Lockheed's programs, one would be provided. Incidentally, we were shocked to find that they did not have a cash flow on their biggest contract, one of the big firms that does most of its business with the Defense Department. Yet the Defense Department did not know the cash flow of this firm, on which they depend for so many weapons, although it was so critical that we would follow through. The promised delivery date came and went, and still no cash flow. After further delay, we were informed through the GAO that the cash flow was available but that we could not see it. When I pressed for an explanation, Mr. Packard sent two Assistant Secretaries of Defense to explain the situation to my staff and me.

PUBLIC DENIED CASH FLOW DATA

The discussion with these two gentlemen, Mr. Moot and Mr. Shillito, was most revealing. Why were we denied the cash flow? Simple. Lockheed did not want us to have it. Apparently, the U.S. Congress is expected to cough up money as directed—never mind what for. Mr. Moot did tell us that the Pentagon would guard against diversion of the military

bailout money to commercial programs, but he could not explain how this protection could be accomplished. Finally, Mr. Moot acknowledged that the immediate cause of Lockheed's cash difficulty was their commercial program, the L–1011 airbus. The Air Force conceded that the commercial program was the cause of their difficulty. Our worst suspicions were confirmed.

Once again, the Congress was made to appear foolish. Once again the taxpayers were to be asked to pony up. And what for? Although there are vague military overtones to the latest request, it is crystal clear that the overriding consideration is the fact that Lockheed said it needs the money.

I have no particular antipathy toward Lockheed. As a matter of fact, I suspect that the proposed public bailout of Lockheed is often repeated in the Pentagon's obscure and convoluted dealings with other giant suppliers. We simply know more about the Lockheed disaster than most other similar situations due to the wholesome effect of systematic and persistent congressional inquiry. Moreover, I have only sympathy for the employees and stockholders who would suffer if their management's mistakes are not made good by the Government. I would even favor sensible measures to soften the blow for innocent victims of this and similar management disasters.

MEANINGLESS CONTRACTS?

On the other hand, where do we draw the line? Are contracts with giant firms meaningless? Are they the new royalty, immune from the consequences of their actions? Must we deprive other segments of our population in order that pets of the Pentagon may be protected from the realities of our American business system?

If we subsidize Lockheed's commercial programs or its mistakes on military programs, even indirectly, how can we deny others? I am told that more than 400 contractors requested bailouts soon after the Pentagon's sympathetic reception of Lockheed's plea. There are dozens of firms, large and small, in my home State of Wisconsin who are having a difficult time, some losing large amounts of money. Are they less deserving or less important than Lockheed? Should the Government make good their losses?

I intend to do all I can to see that we retain at least a semblance of free-market motivation in our dealings with giant military contractors.

Any attempt to make substantial reductions in the funds for giant contractors will be strongly opposed not only by the Pentagon, but also by immensely powerful and influential business interests, who in turn have demonstrated their influence over the Congress. There has already been the disastrous decision to approve blindly the funding for Run B, the second buy of C–5A's. Political support for continued handouts to giant firms is very strong.

Nonetheless, on behalf of Senator SCHWEIKER and myself and the following cosponsors, Mr. YARBOROUGH, Mr. BROOKE, Mr. YOUNG of Ohio, Mr. EAGLETON, and Mr. GRAVEL, we are proposing what we believe is the minimum protection which the Senate can, in good conscience, give the taxpayers. Our amendment takes no money at all from the bill. The $344,400,000 to pay for past deliberately concealed overruns is left intact. The $200 million Lockheed slush fund which the Air Force says it does not owe is still in the bill.

NO NEW PLANES PROVIDED IN BILL

Unhappily, the $622,200,000 of C–5A funds in the bill does not authorize a single additional plane. Speaking bluntly, it is simply this year's payment on the enormous but as yet undefined total bill for bungling on this disastrous program.

The first major provision of our amendment is intended to protect the taxpayer in the event the Pentagon decides to take a dive, or throw the game, in negotiations with Lockheed. This may appear to be an overly harsh and suspicious view, but the record proves it is justified.

HISTORY OF AIR FORCE LENIENCY WITH LOCKHEED

We now know that the Pentagon relaxed many technical aspects of the C–5A contract. We now know that the Air Force initiated the proposal to convert Lockheed's C–5A contract to cost-plus, a move which would remove contractual restraints on Lockheed's free-spending habits. According to reports in trade and financial journals, Mr. Houghton, Lockheed's Board Chairman, and Mr. Kotchian, its President, have expressed confidence in their ability to negotiate cost-plus arrangements with the Pentagon on both the C–5A and the Cheyenne helicopter. Their confidence is well justified, given the Pentagon's generous and permissive attitude toward this giant firm.

Moreover, new evidence keeps surfacing which further confirms the Pentagon's willingness to shave points in the legal game with big firms. Recently, another example was brought to my attention by several young men who have spent the summer studying military contracts. These young men are Vince Darago, Larry Burgess, and Bob Creecy, all engineering students at MIT, and David Taxin and Alan Schwartz, law students at George Washington. They uncovered documentation which proved that the Air Force had generously revised the C–5A contractual language in such a way as to give Lockheed a legal advantage which, on the basis of 115 planes, would have amounted to hundreds of millions of dollars.

This obscure, complicated, and hitherto undisclosed change affected the C–5A repricing formula which proved so unwise. As a matter of fact, it compounded the folly and did so after the full and highly expensive implications of the golden handshake formula were well known, at least in the Pentagon. For those interested in the legal details, I ask unanimous consent that both the original and revised contractual language be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

CHANGE NETS $295 MILLION ON ORIGINAL ORDER

Mr. PROXMIRE. This change, which apparently was made voluntarily by the Air Force on January 18, 1969, cost the Government $295 million for the 115-plane program, according to the Air Force's own analysis, which was uncovered by my staff. Based on this analysis, Lockheed would have lost $580 million prior to the approval of supplemental agreement No. 235 on January 18, 1969. Subsequent to the Air Force's generous sweetening of the golden handshake formula, their own analysis showed the then-estimated loss reduced to $285 million, a difference of $295 million.

Mr. President, I ask unanimous consent that a copy of the Air Force cost analysis also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 3.)

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that an article by Bernard Nossiter in this morning's Washington Post on this matter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 4.)

GIFT OF $240 MILLION FOR 81-PLANE ORDER

Mr. PROXMIRE. How does this supplementary change affect the present 81-plane program? According to the calculations the supplementary change will mean at least $214 million to the company which they otherwise would not have coming to them.

Put the other way around, the Government's liability to build 81 planes would be at least $214 million less than the Government now agrees it owes under the contract.

If it had not been for this supplementary change, instead of the Government now owing $344.4 million under the contract and providing additional funds of $800 million which it does not owe, the Government would owe only $130 million under the contract and we would be asked for $1.014 billion over and above any amounts owed by the Government in order to produce 81 planes.

In other words, in addition to the $800 million, which the committee in its report calls on Congress to give Lockheed above the contract, we would be asked to provide an additional $214 million above the contract or $1.014 billion.

The second major provision of our amendment would facilitate continued production of C–5A's in the event of bankruptcy proceedings cost the Nation the services of Lockheed's present management. This provision should also allay the fears of those who are concerned about the unplanned adverse employment aspects of bringing C–5A costs under control.

Lockheed has threatened to default on its contract. Our amendment makes certain that if the company does that, that the employees and the taxpayers will not suffer from that act of the present management. We direct the Secretary of Defense to take actions to build the planes and to protect the Government's interests.

Finally, our amendment provides for

a GAO study of the financial capability of the C–5A's prime contractor to meet his contractual obligations.

Opponents of our amendment have charged that it is a deliberate attempt to force Lockheed into bankruptcy and thereby throw thousands out of work.

LOCKHEED THREATENS DEFAULT

Nothing could be farther from the truth. It is Lockheed that threatens to default. That was disclosed in a letter from Lockheed to Secretary Packard on March 2, 1970. Under our amendment, Lockheed should have no trouble whatsoever getting all the money due them if they have a sound legal case. The case does not have to be considered by courts of law. Our amendment provides that they can get their money if the Armed Services Board of Contract Appeals—ASBCA—rules they are right. Now, the ASBCA has had the Lockheed case for months, since January 9, 1970. The ASBCA is staffed by DOD personnel and is under the administrative control of the Pentagon. Mr. Packard, the Deputy Secretary of Defense, has said that the Lockheed case would receive top priority. Under these circumstances, I see no legitimate reason for further stalling on the ASBCA decision.

Far from forcing thousands of people into the ranks of the unemployed, our amendment would clear the way for rapid relief measures in the event ASBCA decides against Lockheed and Lockheed's financial condition does prove as desperate as has been pictured for us.

I should reemphasize that we do not really know what Lockheed's financial outlook is. We have been told by them, they are in dire financial straits and that we must now begin making payments on the bailout bill. At the same time, Members of the U.S. Senate are brazenly told that they cannot see the really pertinent cash flow analysis. Why? Can any Senator tell me why the Senate is being asked to authorize hundreds of millions of dollars in bailout money, and at the same time is denied public access to the elementary financial justification?

$200 MILLION ON A WHIM

The situation is outrageous, particularly in light of the record of systematic deception on this scandalous program.

Finally, some opponents of our amendment have tried to stampede the Senate into blind approval of the Lockheed bailout fund by picturing Lockheed's threat to go bankrupt in the blackest possible terms. This is a scare tactic. It was tried, unsuccessfully, I am pleased to say, in the case of the Penn Central bankruptcy.

It is true that Lockheed's Board of Directors could choose to liquidate the company if they decided to file for bankruptcy. It is true that they could choose to lay off all their employees and stop production on the C–5. The important point, however, is that these dire actions would be Lockheed's choice. That is their threat, not ours. They are the ones threatening to default.

They could also file for reorganization under the bankruptcy procedures. This is the option available for those who wish to try to continue business operations under the protection of the bankruptcy procedures. Under this option, it is doubtful that anyone other than a handful of top management people would be subject to undue risk of losing his job.

REORGANIZATION IS REAL OPTION

In any event, if Lockheed's board of directors should decide—and it would be their decision—to reorganize under the protection of the bankruptcy procedures, the great bulk of their employees would carry on as usual. As you know, this was true in the case of Penn Central, where such dire effects were described by those who tried to panic the Congress. Production of the C–5A could continue. To the extent that more money would facilitate this process, our amendment would help, not hinder. Our opponents are dead wrong here. This is true because our amendment would specifically approve the use of these funds in advance by a trustee in the event the company carries out its threat to go bankrupt. The pending bill does not do this.

Moreover, we are not at the mercy of Lockheed's decision as to whether or not production of C–5A continues. If continued production of the C–5A is threatened by bankruptcy or default, the Secretary of Defense can assure continued production under the very considerable powers he already has and the provision of our amendment stating that the Secretary of Defense shall take all appropriate measures to insure that first, the financial interests of the United States are fully protected, and second, priority is given to the expeditious completion of the C–5A aircraft contract, in the event the contractor carries out the threat to default and to go bankrupt.

The Secretary will have the power if he chooses to use it. It is a matter of choice. The Secretary of Defense can choose to let a disastrous situation get worse, or he can choose to bring order out of the chaos. It is up to him. Our amendment leaves him all the money he has requested to finance the decision he makes, if a trustee states that the funds are needed to build the 42 planes and keep the men at work.

I cannot leave the subject of misleading statements without commenting on the discussion of the effect of additional numbers of aircraft on unit costs of C–5's. This discussion is summarized on page 18 of the Armed Services Committee's report on this year's military procurement bill. In addition to the tenuous assumption that all the costs of future procurement of C–5's are now revealed, the computation ignores the value of work in process in computing the cost of completed aircraft and incremental costs of additional aircraft. Clearly, even if the administration were to decide to cut off production of C–5's short of the 81 airplanes now ordered, it would not be necessary to allow uncompleted airplanes to corrode and gather cobwebs where they stand. If the Air Force knows the status of the work in process, it should not be an overwhelming problem to negotiate a reasonable completion cost with either Lockheed or a successor tenant of the Government-owned C–5A assembly plant. Moreover, the detail fabricated parts not needed to complete partly assembled aircraft would be diverted for spares, thereby reducing this amorphous but enormous requirement.

I am certain that this analysis was provided by the Air Force and I would hope they would provide a supplementary analysis which recognizes the important factor of work in process.

Whatever the final decision on quantities of C–5's finally bought, it appears that the average price for each of the 42 airplanes will approximate the cost of the Rayburn Building. I cannot help but wonder how Senators would justify to their constituents the acquisition of two new Rayburn buildings each month.

MODEST AMENDMENT

In conclusion, I wish to point out once again the modest nature and reasonable conditions provided by the amendment we are offering. It does not seek to rectify last year's blunder which will result in blowing more than a billion dollars of the taxpayers' money. It does not deny this year's installment of $622,200,000 get-well money. It in no way impedes—indeed it facilitates—continued production if the company carries out its threat to default. This is true even though the Pentagon has never furnished the factual, objective, military justifications for the quantities of the aircraft ordered.

The fact is, as our colleagues in the House of Representatives have pointed out, the bill this year authorizes no new airplanes at all for the enormous amount of money. By and large we are buying "overruns" this year—not airplanes.

The amendment does provide minimal protection against a repetition of the Pentagon's ingrained habit of caving in when negotiating with a giant contractor. It does facilitate continued production in the event Lockheed's long-threatened bankruptcy takes place. It asks the GAO to make a review of Lockheed's financial ability to produce C–5A's, hopefully to provide the Congress with basic financial facts we should have had long ago.

PRESERVE GOVERNMENT INTEGRITY

Perhaps, most importantly, I believe adoption of our amendment will help restore the integrity and independence to the U.S. Government. Increasing numbers of our citizens believe that by our unwillingness to act, the U.S. Congress becomes a party to the concealment, deception, and rank disregard for our national resources that have marked the C–5 and other Pentagon procurement scandals. Our amendment offers Senators a chance to demonstrate to our citizens and taxpayers that we intend to carry out our constitutional functions when the purse strings of the U.S. Treasury are involved.

EXHIBIT 1

WHAT REALLY HAPPENED—THE LOCKHEED SCANDAL

(By James G. Phillips)

Air Force Colonel Joe Warren, a crusty cost-efficiency expert, was unmoved by Lockheed Aircraft's attempt to snow him over its C–5A jet transport program. Lockheed's briefing, he wrote Air Force headquarters almost four years ago, was "like seeing the rerun of an old movie—the plot still has drama and suspense, the script was excellent, the acting superb, but the outcome will be the same as it was the first, second or tenth time it was

shown. The contract costs will be exceeded." Warren was right. With the Air Force refusing to impose tough cost discipline on a favored aerospace contractor, Lockheed has run up one of the most whopping cost overruns ever experienced on a weapons procurement program. Worse still, there's been no change in the inner workings of the military-industrial complex, which precipitated the C–5 disaster.

New evidence I have obtained indicates that at least $1.5 billion of the $2-billion C–5A overrun was clearly avoidable. In the first place, the Air Force gave Lockheed the contract (probably for the sole reason of keeping the company in business) despite known deficiencies in its design proposal that were sure to lead—and did—to expensive redesign work. Even then, much of the overrun might have been salvaged if the Air Force had clamped down on excessive plant overhead rates and blatant inefficiency on the production line. But despite the early warnings by Col. Warren and other cost experts, top Air Force brass and bureaucrats swept these problems under the rug. At every stage, the Air Force's primary interest was in concealing the problem, not solving it.

The C–5 program was destined for trouble from the beginning, and here's why: the contract, signed in October, 1965, contained a novel provision permitting Lockheed to come in with a low bid to land the program, with the virtual assurance of getting bailed out later by the government in the event of trouble. This provision was called the "repricing formula" by the Air Force and later the "golden handshake" by critics. It allowed the company to offset at least part of its losses on Production Run A of 58 aircraft by recomputing the price agreed on earlier for Run B of 57 planes. Although the second run would be undertaken at the option of the government, it appeared almost certain that the Air Force would want the extra planes and more. Air Force long-range airlift plans called for a 120-plane, six-squadron program. The other five planes would be procured from Run C—another option for the purchase of up to 85 planes at a price to be negotiated later.

The "handshake" clause, based on an extremely complicated mathematical formula, provided essentially that if actual costs of Run A exceeded the original contract "target cost" (contract price less profits) by more than 40 percent, target cost of Run B (set at $490 million in 1965) would be increased by approximately $1.25 for every additional dollar spent on Run A above the 40-percent cost growth mark. Cost increases of less than 40 percent would be financed as follows: for increases of 30 percent or less, Lockheed and the government would share responsibility, with the government paying 70 percent. Lockheed's share would be applied against its projected Run A profits of $128 million, which would be evaporated once costs rose by more than 30 percent. If the Run B option weren't exercised, Lockheed would bear full responsibility for all cost growth over 30 percent. But if the Air Force bought Run B, the "golden handshake" would go into effect once growth passed that mark. For cost increases of 30 to 40 percent, the handshake would reimburse Lockheed 87 cents on every additional dollar it spent, and above 40 percent Lockheed would get back $1.25. (Both the 87-cents and $1.25 formulas, however, were pegged to the number of aircraft ordered under Run B, and lesser amounts than those would be paid if the government bought less than 32 of the Run B planes.)

Once a 40-percent cost increase appeared likely, the handshake loomed as a reverse incentive encouraging Lockheed to be less efficient. At this point, it would be in the company's interest to run up even greater costs on the initial production run in order to make 25 cents profit on every additional dollar it spent. Because of the sharing formula on the first 40 percent of extra costs, the cost growth would have to be astronomical before the handshake could turn Run A losses into an overall profit on the program. (The original target profit agreed to for the Run B option was only $49 million.) But at the same time, catastrophic losses would be impossible unless the Air Force decided not to buy Run B or the company actually lost money on its Run B operation—a prospect that appeared unlikely because aircraft costs per unit characteristically decline as a contractor gains experience with a program. Undoubtedly, this protection against big losses was an important factor in Lockheed's decision to cut corners on its bid.

Desperate for new business, Lockheed's management in early 1965 ordered its staff's lowest cost estimate reduced by 10 percent in order to undercut its competitors—Douglas Aircraft (now McDonnell-Douglas) and the Boeing Co. Lockheed's bid of $1.9 billion for research and production, including Run B if ordered, was $79 million less than Douglas' and $300 million less than Boeing's. The Lockheed proposal expressed a high degree of technical optimism that was unfounded under the circumstances. It also made little allowance for inflation though the Air Force had warned all three contractors to take that factor into account as a normal business risk over the first two years of the contract (after that, the contract provided that inflationary increases would be covered largely by the government). Nor did the Lockheed proposal make allowance for the fact that the C–5 award was the first of a new type of contract called "Total Package Procurement," under which the contractor would commit himself to a fixed price ahead of time for both research and production—a risky proposition that might have given Lockheed pause had it not been for the protection afforded by the golden handshake provision. Although an Air Force Source Selection Board found Boeing's proposal superior in its technical aspects, Lockheed won the contract on the basis of its low cost bid. The entire program was to cost $3.4 billion, including the airframe, engines and spare parts.

In a move to narrow the technical edge held by Boeing, Lockheed had hurriedly adopted certain design changes suggested by the Air Force just before submitting its bid. It had vastly underpriced the cost of these changes, increasing its bid by only $48 million. At least one high-ranking Air Force official told company management that its allowance for the changes was far too low, but Lockheed ignored his advice.

Almost from the start of development work in early 1966, Air Force cost experts assigned to a top-level headquarters management group began citing evidence of a big cost overrun in the making. A. E. Fitzgerald, the deputy for management systems who later was to lose his job after testifying to Congress on the C–5's problems, noted early in the year that overhead rates at the company's production facility in Marietta, Ga., were vastly exceeding target, Col. Larry M. Killpack, chief of the Air Force's Cost and Economic Information Bureau, found by year's end that several key parts of the program were overrun by more than 100 percent. On Dec. 8, Killpack concluded in a memo to Air Force Headquarters that "Lockheed is in serious difficulty on the C–5A." Five days later, Col. Warren penned his memo. All these reports fell on deaf ears.

As Lockheed admitted later, the reason for its early overspending was a massive redesign effort related partly to the last-minute technical changes the company had squeezed into its contract proposal. The most significant of these changes had been enlargement of the wing to meet Air Force requirements for the plane's short-field landing capability. But reconfiguration of the wing brought on weight problems, which required a new round of redesign work. After Fitzgerald learned of the extent of the redesign effort, he reported that these engineering problems almost certainly would mean a heavy cost impact when the plane moved from research to production.

By late 1966, the C–5's Systems Program Office (SPO), the office charged with day-to-day monitoring of the C–5 contract, joined the efficiency experts in their concern over the C–5's mounting costs. The SPO had become alarmed at indications from Lockheed management that the company did not intend to make good on the full contract performance specifications. One of the developments that bothered the SPO was Lockheed's proposal for a "tradeoff," as the company described it, relaxing the weight requirements in exchange for increased engine thrust, to be provided at government expense. The proposal was rejected.

In an extraordinary move, the SPO on Feb. 1, 1967, sent Lockheed a "cure notice" indicating the contract would be cancelled unless Lockheed presented a satisfactory plan for improvement within the next 30 days. It was the first such action ever taken by the Air Force on a major weapons program. Although Air Force Headquarters questioned the advisability of the action, the SPO prevailed. Standby press releases announcing the move were prepared both at Wright-Patterson Air Force Base, Ohio, where the SPO is located, and at Air Force Headquarters in Washington. But both were marked for use only in the event of press inquiry, and when press questions failed to develop, neither was ever released. This was one of the most blatant of all the Air Force's cover-ups and one of the most costly in terms of the public interest. Since the plane had not yet moved into production, disclosure of its problems at this stage might have led to enough pressure to induce the Air Force to switch the contract to Boeing or at least bear down on costs.

The cure notice evoked tremendous concern at Lockheed, which was then preparing a public offering of $125 million in convertible debentures. Within the next three weeks, Lockheed met repeatedly with the SPO but to no avail. With time running out, Lockheed finally swayed the SPO on Feb. 21, by promising to dispatch a top-level technical team from corporate headquarters in California to help the foundering Lockheed-Georgia management resolve the plane's technical problems. The cure notice was rescinded.

Despite the presence of the headquarters technical team, it was business as usual on the production line. Col. Jack W. Tooley, a former Army airlift expert working as a civilian adviser to Lockheed, reported that he observed incredible inefficiency in the plant. "From time to time," he recalled recently, "since I had nothing better to do, I would walk through the main plant, observing what was going on. The number of workers loafing on the job was absolutely unbelievable. In fact, my major contributions to Lockheed probably were these trips through the production line, since workers seeing me without a badge and in a suit and white shirt went back to work, as they were not sure of who I was."

Tooley added that he talked at some length with one of the supervisors on the production line, who told him that he had "40 more men in his department than he needed; that he was getting about six hours' work out of eight hours; that when he went to ten hours and over, the production dropped to five hours." Tooley also said he knew "personally of two cases where the individual was making $10 an hour, did not have a degree, was not doing anything, and yet spent 60 hours a week doing it because that is what the contract called for. This can be multiplied by many hundreds of times."

The situation was not much better at

General Electric's plant in Evendale, Ohio, where the C–5's engines were under production. Here Fitzgerald also found excessive overhead rates and a large part of the work force loafing. After one trip to the facility in early 1967, Fitzgerald wrote Air Force Headquarters: "I observed a total of 134 people, of whom 35, or 26 percent, appeared to be working. The modal pace of work was quite low, approximately 70 percent of normal. Machine utilization appeared to be about 50 percent on the day shift and lower still on the swing shift." Fitzgerald later told Congress that at least $1 billion of the C–5 overrun could have been saved if the Air Force had required reasonable efficiency and economy of work forces at the Lockheed and GE plants.

Annoyed by the continuous appearance of cost analysts, Lockheed and their sympathizers in the Pentagon began seeking their systematic exclusion from the program. Orders were cut sending Warren to Addis Ababa as Air Attaché. Fitzgerald and other friends of Warren at Air Force Headquarters were able to block that appointment, but Warren was still removed from the program and assigned to a Pentagon computer manager job. Kilpack was transferred to Vietnam, and Tooley quit Lockheed-Georgia in disgust.

With its technical problems mounting, Lockheed turned to costly and exotic materials such as titanium to help pare down the excess weight. By now the company had found it was useless to try to wiggle out of contract specifications. Despite some expressions of unhappiness at higher levels, the SPO refused to budge.

Without doubt, the SPO's adherence to the contract dealt Lockheed a stunning blow. When the company had run into production problems on earlier programs, the Air Force would often waive specifications or provide enough contract change orders (sometimes called "contract nourishment" in the trade) to ensure that the company came out well. Lockheed's chief development engineer, on the program later told Securities and Exchange Commission investigators that he never suspected the C–5 contract would be enforced: "As is so frequently the case with multi-layer management," he said, "someone at the top can say do it this way to avoid this, that and another, and these people down below say here's the contract, but that's just a lot of boiler plate and we'll work together." In its 1969 report to stockholders, the company said the Air Force's strict insistence on performance specifications and delivery dates "resulted in expenses by contractor far beyond the original estimate to avoid ever-present threats of cancellation for default. . . . Contract terms were regarded as sacrosanct even though a relaxation of specifications and delivery dates could have greatly lessened costs."

In May 1967, Lockheed moved from research to the production phase of the program with the plane's technical problems far from resolved. At a meeting of the top-level Air Force management group, at least one official complained that more time should have been spent on development. "This is the first major aircraft system," he said, "to begin operational systems development after completing an extensive contract definition phase. The central idea of contract definition is to define achievable performance and to develop realistic schedules and credible cost estimates in relation thereto. Clearly, Lockheed flunks the course on this basis."

Despite continuing SPO concern over the technical difficulties, Lockheed characterized the problems as nonrecurring and refused to acknowledge their potential impact on costs. Late in 1967, Lockheed-Georgia notified corporate headquarters that "the bulk of the program remains before us, giving us ample opportunity for cost savings. . . ." Although Lockheed added a $90 million contingency fund to its cost estimates by the end of 1967, it explained to its auditor, Arthur Young Co., that it was merely being conservative and that the funds would not be needed. Arthur Young's notes indicate unbounded optimism on Lockheed's part. The first indication of a really disastrous overrun on the Lockheed program came in April 1968, when the SPO estimated costs of $2.9 billion through Run B, a $1 billion overrun. The SPO figured Lockheed had known about the cost situation since the early part of the year, since the company at that time had "intensified their efforts to maneuver within the contract framework to get the Air Force to pay for work we contend is already on contract. In addition, they started attempting to limit our visibility on program cost."

Nonetheless, Lockheed insisted the SPO projections were far too high, and it pressured the SPO to change them. SEC investigators found later that Lockheed had threatened to follow the SPO briefing team wherever it went, to shoot down their figures.

But with a decision soon due on the Run B option, Lockheed decided to adopt a low profile and hope that, as before, Air Force Headquarters would not become unduly alarmed at another pessimistic SPO estimate. As the SEC staff put it, the rebuttal package was ready if needed "to help protect Lockheed's position in this respect, but would not be used unless necessary because of the danger of focusing attention on the cost increase." The SPO apparently recognized this same motive in June when it wrote that it was definitely in Lockheed's favor to keep the Air Force "in the dark" on the costs of Run A, because of their potentially adverse impact on a decision to exercise the Run B option.

At this point, however, even the SPO, which had been relatively tough on Lockheed, became concerned over the effect that disclosure of its cost projections might have on the company's liquidity position. Its reports to higher headquarters contained the following notation: "Security considerations. You will see we are estimating that Lockheed will overrun the ceiling price of the contract by a significant margin, that is, they will incur large monetary losses on the program. The SPO has treated this information as extremely sensitive in view of the adverse publicity and stock market implications." SPO said there was no pressure from Lockheed or higher headquarters to insert this warning in its report. It said the suggestion was made "purely and simply because the cost figures . . . were estimates and were not concurred in by the contractor. There was a wide variation between the estimate contained in this report and the contractor's estimate. It was felt that should the Air Force prove to be inaccurate subsequent to wide public disclosure, the Air Force would be accused of acting irresponsibly."

Instead, the SPO decided to err on the side of the contractor and let the public be damned. Air Force Headquarters moved quickly to close off possible leaks by directing that the information be limited to top-level reports and be excluded from any document receiving wide circulation. Although Congress had been notified of the SPO's August 1967 estimate of a $331 million overrun, it was not informed of the new projection. Neither was it told of a follow-up study in October, which placed the overrun on the entire program at $2 billion, including $1.5 billion on the Lockheed program. The SEC staff revealed that the Air Force considered rewriting performance specifications at this point to give Lockheed a better break. (Some of the performance specifications were relaxed later, and the Air Force now is planning significant further relaxation in order to avoid another costly redesign of the wing.)

The next episode came in early November, when Richard Kaufman, staff economist for the Joint Congressional Economic Committee's Economy in Government Subcommittee was setting up a subcommittee hearing on "The Economics of Military Procurement." Kaufman had followed the C–5 program closely and knew of the latest overrun estimate. Although no subcommittee member or staffer had yet contacted Fitzgerald, several Pentagon associates recommended him.

When Kaufman invited Fitzgerald to testify, bedlam broke loose in the Pentagon. Defense Department Comptroller Robert Moot, the Pentagon's top financial officer, warned Fitzgerald that his testimony "would leave blood on the floor." The Pentagon sought to substitute a more manageable witness, but the subcommittee chairman, Sen. William Proxmire (D, Wis.), insisted that Fitzgerald appear. Finally, the Pentagon agreed to let Fitzgerald attend as a backup witness. At the hearing Nov. 13, Proxmire ignored the Pentagon's hand-picked witness and called Fitzgerald immediately to the stand. Fitzgerald confirmed Proxmire's estimate of the $2-billion overrun, leading to his immediate removal from the program and eventual dismissal from his job.

With Congress and the public enraged about the overrun, the Pentagon flatly repudiated Proxmire's figures. Its Public Affairs Office put out a release contending that current estimates for the program were only $4.3 billion instead of the $5.3 billion Proxmire had revealed. Supplementary material requested of Fitzgerald for the hearing record was altered by the Pentagon to show the lower figure. The difference turned out to be the Air Force's omission of some $900 million for spare parts—another item that was badly overrun. The spares were mostly engines and ground equipment—items the Air Force classifies as an operating cost and not as original investment. The Pentagon news release failed to make this distinction, however, thus conveying the impression that Proxmire was overstating costs.

Despite opposition from the Defense Department's Systems Analysis Office, which sought to limit the C–5 program to three squadrons, the Air Force on Jan. 14, 1969, exercised the Run B option, but instructed Lockheed for the time being to limit production to long-leadtime items for only 23 more planes. On grounds of budgetary restraints, the Air Force announced last October that it would curtail the program after completion of 81 planes. With the effect of the golden handshake formula now blunted (because the Air Force was ordering less than 90 planes), Lockheed stood to lose more than $500 million. Contending the Pentagon's exercise of the Run B option required purchase of all 57 Run B planes, Lockheed sued the government for default. (Lockheed now figures it would have broken even on the full 115-plane program.)

The cozy relationships of the military-industrial complex came to light again this spring when Lockheed requested $640 million in emergency financing and Pentagon officials, backed by military enthusiasts in Congress, sought to expedite the company's claim. Even when the Pentagon learned that Lockheed's immediate cash program had resulted from its commercial program—the L–1011 "airbus"—it still maintained its support of the proposed bailout money. Lockheed was a national asset like the redwood tree.

Even the Securities and Exchange Commission (but not its tough-minded staff) has shown sympathy for the embattled contractor. At the completion of the SEC staff's year-long investigation of Lockheed's cost disclosures on the C–5 program and alleged illegal dumping of company stock by corporate insiders, the Commission announced June 2 that the investigation "did not disclose evidence of unlawful insider trading." The Commission's terse announcement seemed at odds with the findings of the staff's report. Citing specific instances of heavy selling by top corporate officers at

critical junctures in the program, the staff raised the "possibility that this was done on the basis of inside information." Rumors abounded that the staff had recommended indictments; the SEC denied it.

Although the SEC release announced the Commission's decision to study cost disclosures on a number of weapon contracts, including the C-5A, it gave no indication of the staff's considerable misgivings over Lockheed's disclosure policy on the C-5 program. In its report, the staff raised the question of "the adequacy of disclosure in annual and interim filings with the Commission and with the [New York Stock] Exchange, as well as information prepared for public distribution." The staff also raised questions as to the adequacy of Lockheed's description of the cure notice in a registration statement it filed with the SEC in March 1967, covering the $125 million debenture issue. The Commission at first put the staff report under wraps but later made it public under stiff pressure from Congress.

As I said earlier, much of the C-5 overrun could have been avoided if the Air Force had really cracked down. Of the $2-billion overrun, less than $200 million can be attributed to inflation. The rest is due entirely to Lockheed's redesign effort and pure inefficiency on the Lockheed and GE production lines. Even if Lockheed had charged an extra $200-$250 million in the beginning to get its design up to a par with Boeing's (or by that same token if the contract had gone to Boeing), the whole program should have cost no more than $3.8 billion, given reasonable efficiency. Thus about $1.5 billion of the overrun should have been saved. As it is, the Air Force estimates that even the 8-plane program is going to cost $4.6 billion—$1.2 billion more than the original contract estimate for 115 planes. Thus far the Air Force has spent $2.5 billion on the program and has received one operable plane!

Defense Secretary Melvin R. Laird has sought to prevent recurrence of C-5 type fiascos by setting "milestones" which a contractor must reach before he moves on to the next phase of a weapons program. This policy means little, however, unless Pentagon bureaucrats clamp down on contractor boondoggling. Signs are thus far that they haven't. Pentagon studies already are predicting a $1-billion overrun on Lockheed's S-3A antisubmarine aircraft program, the first major weapons purchase initiated by Laird. Deputy Secretary of Defense David Packard recently succeeded in preempting headlines about that overrun by issuing a non-story that he had warned the Navy to keep close tabs on program costs. Packard acknowledged only a $100-million overrun on the current portion of the contract and did not reveal the present estimate for total cost at completion.

It is too much to expect that Pentagon bureaucrats will move voluntarily to shape up military procurement. That would involve harsh measures against favored contractors and, for the less efficient among them, a bankruptcy or two. The ties that bind Pentagon bureaucrats and the giant contractors—the mutual interest in huge defense budgets, the promise of lucrative jobs in industry for former military and civilian officials, and the feeling that they must stand four-square against an unappreciative public—are simply too strong for that.

Perhaps the only answer is a series of taxpayer suits against government officials who breach the public trust, particularly with respect to concealment of cost problems that could lead to gigantic expenditures later if not brought under control. Not too long ago, the public wouldn't have stood for the C-5 affairs. In 1956, T. Lamar Caudle, an assistant attorney general under President Truman, was convicted and sentenced to two years in prison for failing to prosecute tax fraud cases that came under his jurisdiction. The charge on which he was convicted was conspiracy to deprive the government "of the fair services of Caudle." That law ought to be applied to Pentagon bureaucrats.

EXHIBIT 2

ORIGINAL AND REVISED CONTRACT LANGUAGE

The original contract October 1965 clauses read as follows:

"(iv) Multiply each unit target cost for aircraft and associated equipment in Production Run B by (iii) and add the product to each unit target cost in Production Run B.

"(v) Establish a new ceiling price on each aircraft or item of associated equipment in Production Run B, at 130% of the unit target cost as adjusted in (iv)."

Supplemental Agreement 235 (effective Jan. 14, 1969, signed Jan. 17, approved and likely to figure in a Senate debate next week. The lawmakers are then expected to vote on a Pentagon proposal to give Lockheed still another $200 million as a down payment on its claims against the government.

Sen. William Proxmire (D-Wis.), whose inquiries disclosed the huge cost overruns, will introduce today an amendment limiting the conditions under which this down-payment can be granted.

Appraised of the C-5A contract change, Proxmire said yesterday:

"This remarkable discovery demonstrates the Air Force's lack of concern for the taxpayers and its willingness to serve as a cornucopia for Lockheed. It is incredible that a government agency should rewrite an agreement to give a supplier, for no apparent reason, a handout of several hundred million dollars."

"It is one additional reason for placing strict curbs on further advances to Lockheed. That is precisely the purpose of my amendment."

Proxmire's amendment would permit the $200 million advance to Lockheed only under either one of two conditions. The Pentagon's board of contract appeals must find there is some merit in Lockheed's claims; or if the company goes through with its threat to default on the contract, a trustee must find that Lockheed needs the money to fulfill its obligation to produce C-5A's.

The newly discovered contract revision affects the repricing or "golden handshake" formula in the C-5A contract. The original version of the "golden handshake" compels the government to pay premium prices for the second batch of C-5A's. These prices rise by a multiple of the costs that Lockheed incurs on the first batch of 58 planes. The revised agreement extends the premium formula to cover the first as well as the second batch.

The company disputes the Air Force calculation that this change is worth several hundred million dollars. According to Lockheed, the new language simply divides up the money yielded by the repricing formula between the first and second batches and does not add a new sum to the first batch.

Officials familiar with the C-5A negotiations said yesterday that the revision was ordered by Robert H. Charles. A former aerospace executive, he was the Air Force assistant secretary in charge of procurement in the Johnson administration and has publicly claimed credit for the C-5A contract.

The revision was inserted in a supplemental agreement made by the Air Force to bring the number of planes purchased up to 115. However, Congress has authorized only 81 and the Pentagon has cut back its program to this number.

The Air Force originally expected to pay $3.4 billion for 120 planes or $27 million each. The current estimate is $4.6 billion for 81 planes or $57 million each.

The discovery that the C-5A contract was changed more than three years after its original signing was made by two local area law school students and three undergraduates from the Massachusetts Institute of Technology.

The five are working here this summer on a volunteer project to examine military contracts. In the course of their study, they noted the two versions of the re-pricing formula.

EXHIBIT 3

AIR FORCE COST ANALYSIS—POSSIBLE CEILING INTERPRETATION

[In millions of dollars]

Combined ceiling—After change	Amount	Separate ceiling—Before change	Amount
R.D.T. & E.	468	R.D.T. & E. cost	468
Run A cost	811	Run A cost	811
Run B cost	[1] 1,013		
Target cost	2,292	Total	1,279
Escalation	190	Escalation	101
Target cost	2,482	Target cost	1,380
Ceiling	3,169	Ceiling	1,764
Total estimated cost (Air Force)	3,454	Air Force estimate	2,436
Lockheed loss	285	Lockheed loss	672
Profit of $177,000,000 absorbed at a 70 (Government)/30 (LGC) rate from 2482 to 3169.		$128,000,000 profit absorbed at 70/30 rate from 1380 to 1764.	
		Run B	[1] 1,013
		Escalation	89
		Target cost	1,102
		Ceiling	1,405
		Air Force estimate cost	1,018
		Profit $49,000,000 plus 50 percent of difference between actual cost and target cost or $42,000,000 Lockheed loss	672
		Run B recovery	91
		Total loss	580

[1] By formula.

EXHIBIT 4

[From the Washington Post, Aug. 20, 1970]

C-5A CONTRACT REVISION SAID TO COST $200 MILLION

(By Bernard D. Nossiter)

In the dying moments of the Johnson administration, the Air Force rewrote its C-5A contract in a way that appears to give Lockheed Aircraft an extra sum of more than $200 million for the costly cargo plane.

Documents made available to The Washington Post yesterday describe the hitherto unrevealed change. The original Air Force-Lockheed contract was signed in October,

1965. The $20 million-plus amendment was written in on Jan. 17, 1969.

Last year, the Air Force office of financial management privately estimated that the contract change would cost the government $295 million. Since then, however, the multi-billion cost overruns on the plane have led the Pentagon to trim back its purchases. As a result the amendment is now unofficially estimated to have increased Lockheed's take by slightly more than $200 million.

Last night, the company denied that the revision had increased its payments. Lockheed spokesman said:

"There is no financial effect from this supplemental agreement change that is different than the one provided for in the original contract."

The revision, he said, was merely designed to clear up an ambiguity.

The discovery of the revised agreement is distributed on Jan. 18) to the original contract reads as follows:

"(c) Paragraph C.(1)(a)(iv) is revised to read:

'(iv) Multiply each original unit target cost (as specified in Contractor's Document 4–12, dated 69–01–10) for aircraft and associated equipment in Production Run B by (iii). The total of the increase will be added to the total target cost of the contract, and will also be added in appropriate increments to the unit billing price of any or all of the 110 production aircraft.'

(d) Paragraph C.(1)(a)(v) is deleted and the following submitted in lieu thereof:

'(v) A new ceiling price will be established by multiplying the total increase established above by 130% and adding that product to the then current ceiling price of the contract.'"

Mr. TALMADGE. Mr. President, I wish to comment briefly at this time about the remarks made today by the distinguished Senator from Wisconsin (Mr. PROXMIRE) as he and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) submitted their new amendment dealing with the C–5A. I will wish to comment in much greater depth when the amendment is before the Senate for debate and vote.

First, I would like to introduce at this point in the RECORD a statement by the Lockheed Aircraft Corp. in response to the press release issued by Senator PROXMIRE in advance of his Senate speech. The statement reads as follows:

There are many statements in Senator Proxmire's press release today which are misleading and inaccurate. One example is the statement that the Proxmire-Schweiker C–5A amendment would see to it that the planes are finished and delivered. The amendment, as we understand it, in fact might have quite a different result, and in any event, would create a whole series of uncertainties.

His statement that Lockheed has virtually nothing invested in the C–5 program and facilities is a severe distortion of the truth.

It is gratuitous and totally inaccurate for Senator Proxmire to say that Lockheed has threatened to file for bankruptcy. As we have said before, we do not believe bankruptcy is either necessary or likely in this case, and it certainly would not be in anyone's best interests. This includes the Government, Lockheed employees, Lockheed stockholders, and our sub-contractors and suppliers.

Next, I wish to reiterate quickly what I said on the Senate floor on August 12 about this new C–5 amendment. I noted then that the amendment provides only two conditions under which the $200 million contingency fund can be paid to assure continuing production of the C–5A.

The first condition is impossible to meet, and the second condition is bankruptcy for Lockheed, the C–5 prime contractor.

Conspicuous by its absence, I said then, is a condition which would allow the contingency fund to be spent following a negotiated settlement of the legal dispute between the DOD and Lockheed. The fact that this condition is absent, and the fact that the first condition of the Proxmire-Schweiker amendment is impossible, can only lead to the conclusion that the amendment is deliberately designed to force the contractor to bankruptcy.

In his press release issued today, the distinguished Senator from Wisconsin refers to the first condition in the new amendment. This is the one which says the money could be spent if the Armed Services Board of Contract Appeals has made a decision as to the amount, if any, owed to the contractor from the contingency fund, and if a judicial review, or appeal, has also been completed. Senator PROXMIRE's press release says that the Lockheed claim has been before the ASBCA since early this year, and it should be decided quickly since this is an administrative board.

However, the estimates I have received indicate that an ASBCA decision could not be reached before mid-1971 at the earliest—some 6 months after the $200 million would have been required for the uninterrupted production of the C–5A. Then if the time required for an appeal decision by the Court of Claims is added, the final decision could not come before mid-1973.

Also contained in the press release from the distinguished senior Senator from Wisconsin is a statement about the "Pentagon's penchant to roll over and play dead in the face of complaints from Lockheed." This implication about the Pentagon certainly is not borne out by the facts as we know them today.

Lockheed already has had to declare losses of $290 million on the four military contracts where it has had problems—hardly an inconsequential result for a corporation that has a net worth of about $325 million. And it is hardly an indication that the Pentagon has been excessively permissive in its treatment of Lockheed or that it is overlooking its responsibility in guarding the public interest.

My last comment on this subject for the moment deals with yet another C–5 "news" story written by Bernard Nossiter, which appeared in the Washington Post this morning and where the distinguished Senator from Wisconsin has placed in the RECORD. It is strange indeed that this story should appear on the eve of the introduction of a new C–5 amendment and just prior to the Senate debate and vote. It is particularly strange when one considers that the circumstances this story describes occurred 19 months ago, and then was described and discussed in the well publicized Whittaker report 13 months ago.

But suddenly, reporter Nossiter, with superb timing, discovered this horrible situation just yesterday.

Had he taken the time to read the July 1969 C–5 report from Assistant Air Force Secretary Philip Whittaker, he would not have found it necessary to wait until now to write about it.

Then Mr. Nossiter claims that an "Air Force calculation" indicates a contract wording change made in January of 1969 would have a favorable effect to Lockheed of $295 million under a 115-airplane order. He did have the courtesy to say that Lockheed disputes this, but I am still waiting to hear who in the Air Force made such a calculation. I just learned this afternoon of an Air Force statement which also denies any favorable financial effect for Lockheed.

Mr. President, I read the Air Force statement:

AIR FORCE STATEMENT RELEASED AUGUST 20 BY DEPARTMENT OF DEFENSE

Any allegation that a contract change covering the C–5 has been previously undisclosed is totally false. It was addressed in the Whittaker Report of July 1969 on page 20 and page 2–7 and even before that the effect of the supplemental agreement on the repricing formula was addressed in detail before Congress during April, May and June of 1969. The contract documents themselves have been made available on request to anyone who asked to see them so you can see that it is far from a new issue.

Supplemental Agreement 235 is the agreement executed in January, 1969, in which Air Force funded advance buys for 23 Run B aircraft. That agreement, as has been available to the Congress and the press for many months, changed the wording of the contract as it affects the repricing formula to insure that the contract language actually and accurately reflected the intent of the contract. The word change in no way altered the amount of money to which Lockheed would be entitled under the repricing formula.

It did provide for spreading the repricing adjustment over the total production buy. In other words, it changed the timing of repricing and it has allowed the payment of interim repricing adjustments.

I should remind Senators at this time that reporter Nossiter is the same reporter who wrote two stories for the Washington Post last year in which he said the Air Force had provided a special agreement for Lockheed. This was a reference to the inclusion of the repricing clause in the C–5 contract, and it led to the often repeated allegations of a "golden handshake" and a "sweetheart contract," with all their innuendos of connivance and sly agreements.

The only trouble with this "special agreement" claim by Mr. Nossiter is that it is totally untrue. For we had repeated statements from both the Air Force and Lockheed that the repricing clause was offered identically to all three competitor companies prior to the C–5 contract award—hardly a special agreement for Lockheed. But the Air Force and Lockheed have had to live for more than a year with the constant repetition of the "golden handshake" allegation—all based on complete falsehood. Fortunately, most reporting on the C–5 of late has been balanced and objective, and has avoided severe distortions and untruths. I hope we will not have another round of biased criticism of the C–5 from Mr. Nossiter or from any other source as we prepare for Senate debate on the latest C–5 contract.

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

Mr. TALMADGE. Yes; I am delighted to yield to my friend from Wisconsin.

Mr. PROXMIRE. Mr. President, with respect to the Senator's last point—there are a number of points here I would like to go into at a little later time, but with respect to the last point, in connection with the story in the Washington Post this morning, the Senator indicated, as I understood him, that this was something that had been disclosed a long time ago, with the Whittaker report.

I have studied the Whittaker report and discussed it with Mr. Whittaker at length, and while it is true that the report discussed the repricing formula, there was no analysis of what this interpretation would mean in dollars and cents.

I put a report into the RECORD today showing that under the initial interpretation of the program, the Lockheed loss would have been $580 million, and then, under the combined ceiling which they agreed to, it would have been $295 million.

As I say, it is true they did let us know there was this repricing formula, and so forth, but the dollars-and-cents significance of this new interpretation was not disclosed at that point.

The change in language proposed by the Senator from Georgia was for more than what he has just called merely a more accurate reflection of the intent of the contract. It was exactly a $295 million change. I repeat, a $295 million change, and that is a lot of taxpayers' dollars.

Mr. TALMADGE. I point out to the Senator that on May 16, 1969, the Senator himself made a speech on the floor of the U.S. Senate in which he addressed himself to that particular repricing formula. So apparently the Senator from Wisconsin himself was aware of it more than a year ago.

Mr. PROXMIRE. Oh yes, we knew all about the formula. As I say, we were well aware of the repricing formula. We complained about it often and consistently, on the Senate floor, in committee, and elsewhere.

What I am talking about is this particular dollars-and-cents interpretation of that repricing formula, the supplemental agreement. That is something that was just disclosed, and is new as far as I am concerned.

Mr. TALMADGE. The Whittaker report itself, on page 20, the third paragraph, reads:

> A number of other ambiguities exist in relation to the price adjustment clause. Examples include: (1) intended sequential or substitutional use of the formula factors of 1.5 and 2.0 (see attachment for formula), and (2) the extent to which exercising the Run B option in January 1969 triggered the repricing. The Supplemental Agreement which exercised the Run B option resolved an earlier ambiguity in Lockheed's favor by specifying that the price adjustment clause would adjust a single contract target/ceiling for RDT&E. Run A and Run B rather than adjusting only the Run B target/ceiling.

Mr. PROXMIRE. That is a general description of it, of course, but without the implications, without the analysis, without letting us know the significance of it in terms of dollars and cents.

Mr. TALMADGE. That is, without the law student's analysis of it that was suddenly drafted. It was disclosed more than a year ago.

Mr. PROXMIRE. No; that is the Air Force's own analysis. I do not have any law student's analysis here; I hold in my hand the Air Force's own analysis, which, as I say, shows a $295 million difference.

Mr. TALMADGE. Who in the Air Force made that analysis? I just quoted a statement from the Air Force released just today that contradicts that analysis, and put in in the RECORD.

Mr. PROXMIRE. Well, as I say, I put in the RECORD earlier today this document which comes from the Air Force, and I identified it.

Mr. TALMADGE. The Senator did not disclose his source. Mine presumably was released by the Secretary of Defense, or the Secretary of the Air Force. Is it a former Air Force employee that the Senator is quoting from, who is no longer employed by the Air Force?

Mr. PROXMIRE. This was an analysis, which we shall do our best to identify further, but at the present moment let me say it has been given to me on the basis of its being an official Air Force cost analysis. It is identified as chart 14, SAFFMS, June 1969. That means it was Colonel Pewitt's chart. It was included in a report from Mr. Thomas H. Nielsen to Mr. Whittaker. But the dollars and cents were not disclosed.

Mr. TALMADGE. I do not know what source the Senator is quoting from, but the statement I read was issued by the Department of Defense today, and I assume a release from the Department of Defense carries the integrity of the Secretary of Defense with it. He is the highest authority in the Defense Department.

Mr. PROXMIRE. Does the Senator deny that this change in language amounted to a $295 million change for the benefit of Lockheed?

Mr. TALMADGE. I quoted the Secretary of Defense in denying it, and I presume he knows what he is talking about.

Mr. President, the Senator from Wisconsin finds himself in a position that is contrary to the President of the United States, contrary to the Secretary of Defense, contrary to the Deputy Secretary of Defense, contrary to the Armed Services Committee of the House of Representatives, contrary to the views of the House of Representatives, and contrary to the views of the Armed Services Committee of the U.S. Senate.

Mr. PROXMIRE. May I say to the Senator——

Mr. TALMADGE. The Senator has a right to his views, but apparently this overwhelming group of experts in the field who deal with military affairs think the Senator is in error.

Mr. PROXMIRE. Why does not the Senator throw in the Appropriations Committee, the Supreme Court, and the Georgia Legislature?

Mr. TALMADGE. Because they had nothing to do with it, they did not consider it.

Mr. PROXMIRE. Of course they did not. What did the President of the United States have to do with this?

Mr. TALMADGE. The President of the United States, is the boss of the Defense Department.

Mr. PROXMIRE. That may well be, but the President of the United States has made no study of this matter.

Mr. TALMADGE. I presume the President of the United States knows what the Defense Department is doing, and if he was dissatisfied he would remove the Secretary of Defense.

Mr. PROXMIRE. There is certainly no presumption that the President of the United States makes a study of this kind of detail.

Mr. TALMADGE. I presume the Secretary of Defense is appointed by the President of the United States, and holds office at the pleasure of the President of the United States, and if he makes a statement, he is speaking in behalf of the President of the United States.

Mr. PROXMIRE. I do not deny that. I simply say that the President of the United States undoubtedly, as we all know, had no personal knowledge of this kind of detail. President Nixon is a very competent man, but——

Mr. TALMADGE. I do not know about that, but I assume if he disagreed, the present Secretary of Defense would no longer be Secretary of Defense.

Mr. PROXMIRE. Then I suppose we should hold the President of the United States responsible for the $2 billion overrun. We were told by the Air Force there was no overrun at all. The Appropriations Committee was assured there would be no overrun on the C–5A in March of 1968, when they knew there would be. Is the President of the United States responsible for that? Can we say that President Johnson, at that time, was not telling the truth? Can he be held personally responsible for that? Of course not.

Mr. TALMADGE. The President of the United States has had made a study of all the overruns in the military. Unfortunately, there have been too many. The overruns of Lockheed have not been too many, however. I am sure the Senator from Wisconsin has studied Lockheed's history of overruns for the past 50 years. They have had the fewest overruns of any defense contractor in America.

Mr. PROXMIRE. The Senator can make that kind of a statement, but the fact remains that this is not a modest overrun.

Mr. TALMADGE. I agree. The Senator from Wisconsin is opposed to inflation, and so am I. But this was a new and novel contract that was dictated by the Secretary of Defense, and it had never been tried before. Fortunately, this administration has abandoned it. I think it was a bad contract for the Government and it was a bad contract for Lockheed. Certainly, if they have lost $290 million on it, it was a bad contract for them.

Mr. PROXMIRE. May I say to the Senator that I was the first one to call attention to the overrun on this contract. Furthermore, I was one of the first to call upon the administration to aban-

don the contract, which they finally have abandoned. The Air Force had maintained it was an excellent type of contract.

Nevertheless, the fact is that under this contract there was a target price that has been exceeded; there was—far above the target price—a ceiling price that has been exceeded. There is now this readjustment, which the Senator and I have been discussing, which adds another $214 million; and in addition to all this, they want $800 million. If that is not a big overrun, I would like to know what is.

Mr. TALMADGE. I commend the Senator from Wisconsin for his work in this field. Even though he is not a member of the Armed Services Committee, which has jurisdiction in matters of this kind, he has explored this activity with much tenacity for several years, and I compliment him for it.

But what I part company with the Senator from Wisconsin about is the fact that he wants to set himself up—and to set the U.S. Senate up—as judge and jury of a disputed claim between Lockheed and the U.S. Air Force.

Mr. PROXMIRE. Quite the contrary. The position of the Senator from Wisconsin is that this should be decided by the Defense Department's own board, and on the basis of that decision——

Mr. TALMADGE. But the Senator from Wisconsin put conditions in his amendment that are absolutely unattainable in this fiscal year, and the Senator should know it.

Mr. PROXMIRE. I certainly do not know that. The fact is that this has been before the board since January 9 of this year. They have had ample time to work on it. Secretary Packard has given it top priority. This is an administrative board. It is true that it is a complex problem, but it certainly should be able to be resolved in 6, 7, or 8 months.

Mr. TALMADGE. The Senator from Wisconsin, of course, is aware that the contract officer's decision was made in December 1969. The complaint appealing the decision was filed before ASBCA in January of 1970. The answer to the complaint was filed in March 1970.

I read from a schedule of proceedings of the ASBCA:

Rule 4 process: Air Force files on C5A compiled, transferred to Lockheed, documents and files studied by Lockheed, April to July of this year.

Discovery motions prepared and filed by both parties. Probable date of submission, September to October 1970.

Compliance with discovery requests will take about 60 days.

Study of discovery data and preparation for trial, about 60 days. The trial will take about 2 weeks to one month. Preparation of briefs will take about 60 days. Preparation of reply briefs, about 30 days.

Board deliberates and writes its opinion, about 60 days.

Time required, under the most optimum conditions, from date that discovery motions are filed, 10 months.

That takes us beyond this fiscal year, beyond the time of the authorization being considered here. It will have expired. And that does not even include any appeals to any court in the land. That precludes any right for judicial determination.

Mr. PROXMIRE. I disagree with the Senator on two points.

No. 1 is that it would take anything like this long if it is given real priority. It is true that they can make the charge that it would take many months, but when it is given top priority, they can do it faster.

The other point, the principal point, is that what the Senator is saying is that since it is in dispute, give them the $200 million; give them $200 million above and beyond what they have coming under the contract; give it away.

Mr. TALMADGE. I am saying that this is a dispute between Lockheed, on one hand, and the Air Force, on the other. I do not know who is right. There may be some errors on both sides. But it gives them an opportunity to determine it by negotiation.

The Senator says that the Board can complete action on this matter very quickly. I quote from notes on a conversation with Mr. Richard C. Solibakke, chairman of the Armed Services Board of Contract Appeals.

The first item discussed was the question of whether both parties to a case before the ASBCA has the right to appeal to the Court of Claims. The answer is that both parties do have such a right, but a Government appeal almost never occurs. In effect, the ASBCA is acting for the Secretary of Defense, and therefore an appeal by the Department of Defense would be in this sense an appeal from the Department of Defense's own decision. However, the Department of Defense does occasionally appeal the decision, sometimes for the purpose of having the decision reviewed by a higher judicial body, for the sake of appearances as well as for the purpose of having a stronger position.

Mr. Solibakke estimated that less than one percent of ASBCA cases are appealed by the DOD.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. TALMADGE. Let me finish my statement.

The next question discussed was the average length of time required by the ASBCA to reach a decision. Mr. Solibakke indicated that this, of course, depended on the complexity of the case and the volume of material that had to be reviewed. He said he had known of cases that were decided by the ASBCA in less than one and a half years from the date of the case being docketed, but the average time required would be over two years.

In the C–5A case now before the ASBCA, he stated that his opinion is that the minimum time required for an ASBCA decision would be approximately eight months from this date, and that could only occur if extremely expeditious handling were given to the case. He felt that the urgency and the importance of the C–5A case is such that all parties would give expeditious handling to the procedures, but that the procedures would still require, in his opinion, a minimum of another eight months.

I yield.

Mr. PROXMIRE. The first part of what the Senator is telling us reenforces the argument I have made, that in the event that the board finds in favor of Lockheed, that is the end of it. There is no further appeal; there is no further delay. The Defense Department, as he pointed out, rarely—in 1 percent of the cases——

Mr. TALMADGE. But both parties do have the right of appeal. The Senator wants to close the door not only on the time element but also on the right of either party to appeal his case.

Mr. PROXMIRE. We are not closing the door.

Mr. TALMADGE. The Senator certainly is. The Senator is setting up a condition that is impossible to achieve.

Mr. PROXMIRE. Lockheed does not have any right to that money.

Mr. TALMADGE. The Senator says so, but others say otherwise.

We are setting up conditions under the committee bill the Armed Services Committee of the U.S. Senate and the Armed Services Committee of the House of Representatives must approve the expenditure of the $200 million. Very firm conditions are written into the act, as the Senator knows.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report, beginning on page 15, "C–5A Aircraft Program," extending through pages 16 and 17, down to "Safeguard Antiballistic Missile System."

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

C–5A AIRCRAFT PROGRAM

FUNDING REQUEST

The fiscal year 1971 budget request in this legislation for the C–5A aircraft totals $622.2 million constituting the following elements:

(1) $344.4 million for unfunded prior year production commitments;

(2) $200 million in contingency funds. This amount represents a sum in excess of the amount required to fund the contract to ceiling price as interpreted by the Air Force. This interpretation is not agreed to by the contractor. The Committee takes no position on the merits of the contractual disagreement;

(3) $66.2 million for initial spares and $11.6 for research and development. It might be noted that the fiscal year 1971 request for the C–5A also includes an item of $1.4 million for military construction not contained in this bill.

COMMITTEE RECOMMENDATION

The Committee recommends approval of all the budget items relating to the C–5A in the fiscal year 1971 request totaling $622.2 million, subject to the condition, as explained below, that the $200 million will not be obligated until the Secretary of Defense has presented a plan for the use of $200 million to the House and Senate Committees on Armed Services and these bodies have approved such a plan.

The basic issue for the Committee was whether the need for the C–5A aircraft beyond the number of about 30 (which would be delivered by December 31, 1970 under the present contract funding as interpreted by the Department of Defense) was sufficiently great to justify the "contingency" funding of $200 million. It was the view of the majority of the Committee that despite the financial problems of the contractor and the necessary extraordinary contracting procedures this program should not be allowed to cease shortly after December 31, 1970. The fact is that additional C–5As are essential for national defense purposes. The basis for the Committee's decision therefore is the essential need of this aircraft.

RESTRICTIVE COMMITTEE LANGUAGE

The Committee adopted two highly significant language provisions not contained in the House version of the bill concerning the C–5A funds for fiscal year 1971. The first restriction relates to the use of the $200 million in contingency funds until their use

has been approved by the Senate and House Committees on Armed Services.

Except for approximately $82 million which will be requested in fiscal year 1972 for the C–5A program, the remaining required funding will be in excess of the contract obligation as interpreted by the Air Force. As previously indicated the contractor does not agree with the Departmental interpretation.

In this connection it should be noted that the funding for the C–5A program up to fiscal year 1971 (fiscal year 1970 and prior) totals approximately $3.4 billion. The Department of Defense estimates the cost of completing the remainder of the 81 plane program will be approximately an additional $800 million over and above all funds approved prior to fiscal year 1970 and the $344.4 million in this bill. The $200 million in this bill therefore represents only a portion of the anticipated costs of completing the program.

The Committee in Section 504(a) provides that the $200 million will not be obligated until the Secretary of Defense has presented a plan that has been approved by the House and Senate Committees on Armed Services. In effect this means that the proposed contractual arrangement both for the use of the $200 million and the completion of the entire C–5A program will require approval of the two Committees. Through this method there will be the opportunity of a complete review by the Committees on this problem.

The second Committee language provision provides for strict statutory guidelines which will insure that the $200 million in contingency funding will be used only for the C–5A program insofar as the contractor is concerned and not possibly intermingled or diverted to other uses among the various other programs of the company. The bill in section 504(b) expressly excludes other uses for the $200 million.

DISCUSSION OF COMMITTEE POSITION

The basic premise of the Committee position is the fact that the C–5A aircraft is needed as an essential element of our national defense because of its unique role in any deployment plans.

The original C–5A program formulated in the early 1960's contemplated six squadrons totaling 120 planes. Subsequently this program, as a result of increased cost and other factors, was reduced to four squadrons or 81 planes which is the present program. In November 1969 the Secretary of Defense announced the program would be held to 81.

The C–5A was designed for the specific role of carrying the outsized equipment of combat divisions that no other aircraft can transport. These include such items as tanks, self-propelled Howitzers, and other equipment of mechanized or armored divisions. The items which will be transported by the C–5A constitute about 75 percent of the heavy firepower of the armored divisions. The C–5A will be used as a complement to other types of aircraft which will transport the troops and lighter equipment of the fighting units.

The C–5A is the largest aircraft ever built. As an example of a typical deployment sortie to Europe, each C–5A would carry 75 tons of outsized equipment, an additional 6 tons of bulk cargo, with 81 men.

The number of about 81 aircraft is considered the minimum number essential to constitute a meaningful military capability.

POSSIBLE ALTERNATIVES

The Department of Defense has made it clear the funding request of $344.4 million would finance the C–5A program for only approximately the first 6 months of fiscal year 1971. Without additional funding beyond the $344.4 million, the C–5A program would substantially cease about December 31, 1970, because of the severe financial condition of the company. The $200 million in contingency funds would be sufficient to finance the C–5A program for the latter 6 months of fiscal year 1971. Under these circumstances the following alternatives present themselves insofar as the fiscal year 1971 request is concerned:

(1) If no funding is authorized for fiscal year 1971, the Air Force would receive only 17 aircraft for appropriated funds of about $3.4 billion;

(2) The Air Force estimates that the fiscal year 1971 fund request of $344.4 million for prior year unfunded deficiencies will allow continuation of the program through December 1970 and allow the completion of 13 additional aircraft for a total of 30. It should be noted that the Committee voted on the matter of funding only the $344.4 million and deleting the $200 million in contingency funds. This proposed amendment was not adopted by the Committee;

(3) The $200 million in contingency funds would be required for funding during the remaining 6 months of fiscal year 1971 and would allow scheduled completion of 12 additional aircraft for a total of 42 aircraft scheduled to be completed by the end of fiscal year 1971;

(4) The Committee also considered the alternative of another aircraft program in view of the cost of the C–5A. Testimony was received indicating that no other aircraft could perform the unique role of the C–5A. Moreover, the cost of initiating or reopening new production lines would be financially impractical as compared to the ongoing C–5A program.

The crucial decision of the Committee therefore is the recognition of the need for the aircraft and the necessity for continuing the program if a reasonable solution can be found to provide the additional financial resources to complete the program.

EFFECT ON UNIT COST OF ADDITIONAL NUMBERS

The following figures are persuasive for continuing the C–5A program with respect to the unit cost per aircraft under the various funding alternatives:

(1) If no additional funding is authorized we will have 17 aircraft at a cost of about $3.4 billion or approximately $200 million per aircraft;

(2) If additional funding of only $334.4 million is authorized, for fiscal year 1971 approximately 30 aircraft will be delivered at a cost of approximately $3.75 billion or $125 million per aircraft;

(3) If the entire $544.4 million in the fiscal year 1971 request is approved for a total of $3.95 billion, it will result in 42 planes with the cost per plane approximately $94 million;

(4) If a total of 81 aircraft are procured, the total cost is estimated to be approximately $4.585 billion or a unit cost of approximately $56 million each. These totals include an amount for spares, support, and R. & D. for this program.

In other words, after the $344.4 million owned under the contract is authorized, additional funds of $800 million will be required for 50 additional planes resulting in an average cost of about $16 million each for the remaining planes.

TECHNICAL PROBLEMS

The Committee recognized the current technical problems with this aircraft and considered the potential cost and performance impact. The Committee will continue to maintain the program under careful scrutiny as further testing is conducted.

The Deputy Secretary of Defense anticipates that the various technical problems that have arisen in connection with the plane can be satisfactorily resolved.

Mr. TALMADGE. Those are the conditions under which the money could be paid, and only those conditions. They are very stringent, much more stringent than those adopted by the House.

Mr. PROXMIRE. Regardless of the condition, what the committee said is that they were going to get it—under those conditions it is true, but whether they have a right to it or not.

Mr. TALMADGE. This involves two parties who have dealt before in contracts—Lockheed and the Defense Department—for 50 years. There is an argument. The Senator has had arguments; so have I. We contend one thing; the opposing party contends something else. Frequently, we can get together and adjust those arguments. It is possible that that can be done here. But the Senator does not want that sort of settlement. He sets up two conditions, neither of which Lockheed can achieve.

Mr. PROXMIRE. The answer is that Lockheed just does not have a right to the money.

Mr. TALMADGE. Of course, that is the Senator's opinion. He has made it clear.

Mr. PROXMIRE. That is the Air Force's opinion.

Mr. TALMADGE. He has made it clear this year, last year, and in previous years.

Mr. PROXMIRE. That is the Air Force's opinion.

Mr. TALMADGE. But other Members of the Senate think otherwise.

Mr. PROXMIRE. And that is the committee's opinion.

Mr. TALMADGE. No; it is not the committee's opinion. The committee sets up the conditions.

Mr. PROXMIRE. I refer the Senator to page 18. It indicates clearer the $800 million will be required over and above the contract.

Mr. TALMADGE. The Senator is seeking to change what the Senate committee did.

Mr. PROXMIRE. That is exactly right. We are going to add additional conditions to protect the taxpayers so that they do not get it unless they have it coming, or it is necessary in order to keep the planes in production, to keep the assembly lines going, and to keep people at work.

What could be fairer than that?

Mr TALMADGE. The Senator has made his views quite clear on previous evenings, on previous days, and in previous years.

Mr. PROXMIRE. I thank the Senator. As I say, he has made his case. The Senator from Pennsylvania (Mr. SCHWEIKER) and I will respond in some detail later. This colloquy has been most helpful. The Senator has been able to make his rebuttal to our speeches tonight. I believe that we can have a clearer and more useful debate on this subject at a later time.

I thank the Senator from Georgia very much

Mr. TALMADGE. I thank the Senator from Wisconsin.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr.

ALLEN). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 91–97)

A communication from the President of the United States, transmitting a proposed amendment to the budget for the fiscal year 1971, in the amount of $5,140,000, for the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON DEPARTMENT OF ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Deputy Assistant Secretary of the Army, Research and Development, transmitting, pursuant to law, a report on Army research and development contracts for $50,000 or more awarded during the period January 1, 1970, through June 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF COMMISSION ON CIVIL RIGHTS

A letter from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report of the Commission on the ethnic isolation of Mexican Americans in the public schools of the Southwest, dated August 1970 (with an accompanying report); to the Committee on the Judiciary.

PETITION

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

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

The petition of James A. Tavolarri, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, August 20, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, with an amendment:

S. 3330 A bill to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes (Rept. No. 91–1129); and

S. 3775. A bill to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code (Rept. No. 91–1130).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H R. 15351. An act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission (Rept. No. 91–1131);

S. Res. 440. Resolution increasing the limit of expenditures for hearings before the Committee on Armed Services;

S. Res. 448. Resolution authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate;

S. Res. 451. Resolution to authorize the Committee on Finance to expend $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act of 1946; and

H. Con. Res. 679. Concurrent resolution authorizing the printing of additional copies of "Education in Israel" for use of the Select Committee on Education (Rept. No. 91–1133).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S Res. 442. Resolution to investigate matters pertaining to constitutional rights (Rept. No. 91–1132).

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

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1135).

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—REPORT OF A COMMITTEE—SUPPLEMENTAL AND INDIVIDUAL VIEWS (S. REPT. NO. 91–1136)

Mr. NELSON. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes. I ask unanimous consent that the minority on the committee have until the conclusion of business today to file supplementary and individual views.

The PRESIDING OFFICER (Mr. HUGHES). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

BILLS INTRODUCED

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

By Mr. SPARKMAN:

S. 4267. A bill to broaden the coverage of section 242 of the National Housing Act to include proprietary hospitals; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 4268. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear below under the appropriate heading.)

By Mr. FONG (by request):

S. 4269. A bill to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FONG (for himself, Mr. BOGGS, and Mr. STEVENS):

S. 4270. A bill to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. FONG when he introduced the bill appear below under the appropriate heading.)

By Mr. McGEE.

S. 4271. A bill for the relief of Reva J. Cullen; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 4272. A bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income; to the Committee on Banking and Currency.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. ALLOTT (for himself and Mr. JACKSON) (by request):

S. 4273. A bill to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

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

S. 4267—INTRODUCTION OF A BILL TO EXTEND TO PROPRIETARY HOSPITALS HUD MORTGAGE INSURANCE

Mr. SPARKMAN. Mr. President, I am introducing a bill to amend section 242 of the National Housing Act to extend to proprietary hospitals HUD mortgage insurance authority, now available to help finance the construction and modernization of nonprofit hospitals.

This new authority is needed to help the private sector of the health industry meet the financial requirements and improve the efficiency of our health care delivery system.

The Department of Health, Education, and Welfare estimates that present hospital construction and modernization needs would cost in excess of $11 billion. Traditional sources of financing—philanthropy and government—cannot meet this need. The private sector and investor sources should be encouraged to participate in the expansion and improvement of our health facilities.

The existing provisions of the Housing Act relating to mortgage insurance for health facilities provide that both proprietary and nonprofit nursing homes and intermediate care facilities, as well as nonprofit hospitals, are eligible for the benefits of the act. This bill would simply extend that eligibility to proprietary hospitals.

There are approximately 1,000 investor-owned hospitals in the United States, representing about 20 percent of the nongovernment hospitals. In some areas of the Nation, investor-owned hospitals represent closer to 100 percent of the available hospital care because communities have been too poor to finance new hospitals or have grown too rapidly to keep up with exploding hospital needs. It is inequitable and unreasonable not to allow these facilities to apply for mortgage insurance in connection with expenditures for modernization or needed expansion.

The legislation which I am introducing requires that the designated State health agency certify the need for the capital expenditure prior to approval by the Secretary of Housing and Urban Development for mortgage insurance. This will assure proper planning and quality of care in hospital expansion programs.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred.

The bill (S. 4267) to broaden the coverage of section 242 of the National Housing Act to include proprietary hospitals, introduced by Mr. SPARKMAN, was received, read twice by its title and referred to the Committee on Banking and Currency.

S. 4268—INTRODUCTION OF A BILL TO FACILITATE GREATER EXPANSION OF THE EXPORT TRADE OF THE UNITED STATES

Mr. SPARKMAN. Mr. President, I introduce for myself and Mr. BENNETT, a bill to amend the Export-Import Bank Act in order to facilitate greater expansion of the export trade of the United States.

I ask unanimous consent that the bill, together with an explanatory statement of the bill, be printed in the RECORD.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill and explanatory statement will be printed in the RECORD.

The bill (S. 4268) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes, introduced by Mr. SPARKMAN, for himself and Mr. BENNETT, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635), be and the same is hereby further amended as follows:

By adding at the end of Section 2(a):

"The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of The Budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on The Budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, as amended, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank."

The material submitted by Mr. SPARKMAN is as follows:

EXPLANATORY STATEMENT

World trade is expanding at an average annual rate of 9.1 percent, but international liquidity is only increasing at 2.9 percent per year. It is obvious, therefore, that financing becomes an ever-important factor each year.

The proposed legislation would strengthen significantly the ability of American exporters to effectively compete with their foreign counterparts. It thus offers an important means of improving the nation's balance of international payments, both short range and long term.

The proposed bill would remove the operations of the Export-Import Bank of the United States from computations of The Budget of the United States Government and thus also from any annual expenditure and net lending limitations imposed on The Budget. Notwithstanding the proposed change in recording the Bank's operations, its activities would continue to be subject to Executive Branch control and annual review by the Congress. The President of the United States would transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank.

The Bank's basic legislation, the Export-Import Bank Act, was designed by the Congress to provide the Bank with the flexibility of financing its operations in the most economical and manageable manner as necessary to meet the changing needs of the export industry. Until recently the Bank's facilities were required principally to assume risks and terms of repayment that were beyond the capability of the private sector. Under current and projected conditions, the Bank's facilities are required also to assure the export community of continuing liquidity for the financing of sales abroad and for making financing available at competitive rates when there is demonstrated need.

The important element of the flexibility is negated, however, by the inclusion of the Bank's activities in The Budget. The magnitude of need for Eximbank participation, indeed, often runs counter-cyclically with the alternating policies of budgetary restraint and relaxation.

By removing the operations of Eximbank from the constraints imposed by the Unified Budget, the Bank would be in a position to more adequately respond to the demonstrated need for its participation in financing export transactions, to more efficiently and economically manage its resources and authority, and, importantly, to establish a new program urgently needed for supporting those export transactions requiring short-term financing at competitive rates.

Exports provide the principal portion of the nation's receipts in its balance of international payments account. Achieving equilibrium, or preferably a surplus, in this account clearly requires an increase of exports at a rate considerably higher than current growth.

A portion of the nation's export business is defined as cash transactions; this segment, of course, makes an immediately beneficial contribution to the balance of international payments. Availability of cash for external purchase is directly subject to the ever-changing cost and supply of convertible currency in the purchasing country. Clearly the success of United States exporters in the international marketplace is directly influenced by these conditions and increasingly relies on the ability to extend credit.

A look at the composition of our trade, the nature of our customers, and the practices of our competition will explain this need for credit:

First, achieving our export expansion goals depends heavily on a rapid growth of sales abroad of "technology-intensive" manufactured goods—jet aircraft, nuclear power installations, petrochemical plants, computer complexes, and the like. Over half of our potential for increasing exports consists of these kinds of products. Few buyers, public or private, are able to pay cash for such purchases. The terms, cost of financing and its availability are frequently the most important factors in the purchaser's decision as to where and when he places his order.

Second, achieving our export expansion goals depends heavily also on the development of new markets. Reduction in multinational and bilateral development assistance shifts the burden of developing new markets in the lesser developed countries to the availability of export financing. In the industrialized countries, "pay as you earn" is the byword, and incremental increases in purchases of United States goods will require that the United States supplier provide an ever larger proportion of financing.

Third, achieving our export expansion goals requires that the total United States sales package continue to be competitive. Buyers are demanding credit terms that meet their needs, and our competitors from the other countries are meeting this demand with strong government support. Twenty-nine export credit institutions representing twenty-three countries, members of the Berne Union, an international export credit forum, report significant annual increases in the amounts of export credit they are supporting. United States exporters must have credit facilities to keep pace with or surpass their competitors.

Commercial banks are traditionally the principal source for financing of United States exports in short- and medium-term. Insurance companies, trusts and funds, too, participate in longer term transactions. For half a decade until 1968 our United States private financing sources gave United States exporters a clear advantage in the world markets.

The United States Government has for many years recognized that it has a role in export financing. It is well understood that the paramount purpose of any government financing facility is to supplement and not compete with private sources of financing, but certain aspects of international trade can be provided only by government participation. Shortage of liquidity in the commercial money markets, repayment terms beyond those which commercial sources are willing or able to extend, political risks which commercial financial institutions cannot be expected to assume, and competitive interest rates substantially below the internal domestic level are serious burdens that face this country's exporters today. These deficiencies can only be met by a well financed and soundly operated government facility.

The Export-Import Bank is the principal United States Government agency for financing the expansion of commercial exports. The Bank serves this purpose by making loans directly to overseas buyers of United States goods and services, by guaranteeing and insuring export transactions financed by others, and by loaning against export debt obligations held by commercial banks.

All of these Eximbank activities result in a 100 percent direct positive contribution to the United States balance of international payments. Eximbank's disbursements are paid to United States suppliers in the United States, but *all* repayments of financing extended or assisted by the Bank are *repaid into* this country *in dollars*.

Eximbank does not require appropriated funds. Existing authority granted by the Congress provides the means of financing either through the Department of the Treasury or outside of the Government through sales of its debt obligations. The sound operation of the Bank since its inception has earned a respected position in the capital markets in the United States and abroad.

Eximbank has in the past and will continue to use its resources effectively to supplement and not compete with private financial sources. Endorsement of the nation's private banking community attests to this true partnership operation.

In May 1969, in response to urgent and demonstrated need the Bank's management began a comprehensive overhaul of programs and activities. New forms of export credit insurance were devised. Guarantee facilities were revamped. Greater emphasis has been placed on active cooperation with private, international and public financial institutions at home and abroad. Intensive and continuing consultation with United States exporters and buyers abroad has revealed areas of cooperation hitherto untapped. Notably, the Bank has revised its direct lending activities to produce more sales for each dollar supplied.

Eximbank's direct loans under its current operation are now made only in combination with funds from private institutions, thereby freeing resources otherwise not available to the foreign buyer and moderating the cost to an acceptably competitive level. The Bank has expanded use of the financial guarantee program to now cover export loans extended by foreign as well as United States financial institutions. Relending credits today are used solely, but effectively, for trade expansion. Bank credits are being combined with private sources of funds in purchasing countries to achieve effective leverage on Eximbank's cash availabilities.

The Bank's redesigned medium-term commercial bank discount program has successfully encouraged larger numbers of commercial banks to engage in export financing. Extension of the program to cover short-term transactions has not been possible because of the budgetary constraints. Iron and steel, paper products, textiles, apparel, fertilizers, agricultural products, and consumer goods move on short-term financing account. With unified budgetary restraints removed, Eximbank could provide the kind of support demonstrably needed to counter the liquidity and high interest rate problems confronting traders in these commodities, and add materially to the expansion of this important segment of United States exports.

The Bank, since its inception, has authorized direct loans, guarantees and insurance producing some $35 billion of export sales. Out of its total volume of business, less than 1/10 of 1 percent is either in default or delinquent. This ability to "collect" on Eximbank obligations is an asset that should be fully exploited.

On every hand there is evidence that foreign competition is increasing and the nation's very thin balance of trade surplus is in danger of disappearing. Eximbank's ability to meet this rising need is now so constrained that its full usefulness cannot be brought into full play.

Under present budget concepts, Eximbank's net disbursements (defined as the difference between outlays resulting from direct lending programs and commercial bank export credit discount programs) and receipts (defined as the repayment of principal and interest on outstanding loans and so-called "sales of assets") impact the Federal budget as well as the Congressionally imposed budget outlay limitations.

Thus, while in 1968, after extensive hearings and consideration, the Congress authorized an increase in Eximbank total outstanding program activity from $9 billion to $13.5 billion, the newly imposed and supplemental budget constraints effectively prevent the Bank from supporting exports as clearly intended.

It is proposed, therefore, that the Congress enact legislation which would (a) remove crippling restraints on Eximbank's ability to fund its lending activity, and (b) make certain that commitments by the Bank do not aggravate future budget deficits or endanger desirable surpluses.

It has been alleged that an exemption of this kind for Eximbank would create a precedent for a similar exemption of other Government programs.

Actually, precedent does exist for removing certain activities from the budget—the Federal old age and survivors insurance fund, the Federal hospital insurance fund, the Federal disability insurance trust fund, the Federal National Mortgage Association, the Civil Service retirement fund, the Banks for Cooperatives Trust Fund, the Federal Intermediate Credit Banks Fund, and the Railroad Retirement Fund are useful examples.

The current proposal nonetheless does not rely on precedent, nor does it establish precedent. Eximbank's activities are strikingly dissimilar to other Government net lending activities. Eximbank's activities are key in providing a beneficial impact on the balance of international payments. It is the only effective mechanism for countering the export credit schemes of competitive nations. Its disbursements are uniquely different from normal Government expenditures. They are repaid with interest. Most Government programs, laudable as they may be, involve only a specific segment of the United States economy or population and are affected only by the conditions of the domestic economy. Eximbank's programs benefit nearly every segment of industry and the population and are directly responsive to world economic conditions primarily to meet competition from other exporting countries.

Further, a successful solution to the chronic balance of payments deficits strengthens the dollar and adds to the long-term economic health of the country.

Exempting Eximbank's net lending activities from the budget constraints as they are now defined would allow the Bank over the next several years to increases its net disbursements from non-appropriated funds. However, repayments of the loans plus interest and fees would, in the course of a relatively few years, equal disbursements under its programs, adding an additional element to the future fiscal strength of the country.

S. 4270—INTRODUCTION OF A BILL RELATING TO ADJUSTMENT OF RATES FOR THE STATUTORY PAY SYSTEMS UNDER TITLE 5, UNITED STATES CODE

Mr. FONG. Mr. President, on behalf of myself, the Senator from Delaware (Mr. BOGGS), and the Senator from Alaska (Mr. STEVENS), I introduce, for appropriate reference, a bill to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes. I ask unanimous consent that a statement of purpose and justification for the bill be printed in the RECORD.

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

The bill (S. 4270) to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes, introduced by Mr. FONG (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The statement of purpose and justification, presented by Mr. FONG, is as follows:

STATEMENT OF PURPOSE AND JUSTIFICATION

The purpose of this draft bill is to provide a continuing improved procedure for adjusting salaries for General Schedule employees, Foreign Service employees, and doctors, dentists, and nurses in the Department of Medicine and Surgery of the Veterans Administration. This legislation is necessary to properly implement the policy adopted by Congress in 1962 for relating the rates in these schedules to salaries paid for similar work levels in the private sector.

As stated in section 5301 of title 5, United States Code, the policy of Congress is that Federal pay fixing be based on the principles that—

(1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and

(2) Federal pay rates be comparable with private enterprise pay rates for the same levels of work.

This draft bill is designed to reduce the time lag between salary surveys and schedule adjustments and to make other improvements in the procedure for applying the pay comparability principle to the adjustment of salaries for these Federal career employees.

Enactment of the salary review and adjustment procedures in this draft bill would afford an appropriate role to employee organizations, the President, and Congress. Employee organizations would be consulted regarding the coverage of the Bureau of Labor Statistics survey, the salary comparison process, and the adjustments in Federal salaries required to achieve comparability with private enterprise salaries.

In addition, employee organizations would be afforded the opportunity to have their views and recommendations with respect to the annual report of the President's agent considered by an impartial body. The proposed legislation would establish an Advisory Committee on Federal Salaries composed of three members appointed by the President from outside the Government service for six-year staggered terms. The Advisory Committee would review the annual report of the President's agent and give thorough consideration to such further views as might be presented with respect to the analysis and pay proposals in that report by unions, professional organizations, and other Federal officials. Upon completion of its review, the Committee would report to the President.

This proposal would vest in the President the responsibility for adjusting statutory schedules each year in accordance with policies established by law. Congress would con-

tinue to deal with changes in policy by the usual legislative process.

By giving the authority to the President, action can be completed in a much shorter time following the comparison of Federal and private enterprise salaries. When the President arrived at a decision on what adjustment was needed to raise Federal salaries to comparability with private enterprise rates, that adjustment could be put into effect in a timely manner. Now the President's recommendations must be sent to Congress where the necessary legislative action generally takes a minimum of two or three months and sometimes a much longer period. Especially in times when salaries in the private sector are increasing rapidly, the Federal employee should not have to wait for the adjustment to which he is entitled.

The draft bill fixes a date on or before which the President must adjust the salaries each year. If for reasons of national emergency or economic conditions affecting the general welfare the President should consider it inappropriate in any year to make the adjustment required by law, he would have to prepare and transmit to Congress in advance his alternative plan, and if neither House of Congress disapproved on or before September 30, the plan proposed by the President would become effective on October 1.

The draft bill specifies an October effective date for the adjustments. An exception is made, however, for the first two adjustments. Section 3 of the bill specifies that these adjustments will be effective in January 1971 and January 1972, respectively. The October date is introduced so that the survey schedule may be adjusted to better accommodate to the budget cycle. The time lag between the survey and the effective date of the adjustment would be unchanged. The survey would be made earlier and the adjustment would be made earlier. With the present survey schedule and a January adjustment, it is necessary to seek a supplemental appropriation not only for the current year but also for the next fiscal year.

Federal salary rates must be adequate to enable the Government to employ persons well qualified to conduct its programs; they must be fair to Federal employees and they must be fair to the taxpayer.

Salaries fixed in accordance with the principles established in 1962 meet these objectives. This draft bill reaffirms the established principles and provides improved procedures for carrying them out.

The achievement of true comparability dictates that the annual adjustments be made on a timely basis. The draft bill assures that this will be done by requiring that the President make the adjustments by a certain date.

Congress has established the policies. Congress can by this proposed legislation establish the needed authorizations for the continuing administration of the program. As with any other program administered by the Executive Branch, Congress will oversee the work and consider and enact legislation as needed to change it.

S. 4272—INTRODUCTION OF BILL RELATING TO AMENDMENT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill which would amend the Public Utility Holding Company Act of 1935 to enable utility holding-company systems to participate in federally assisted low- and moderate-income housing programs and I ask unanimous consent that this bill be referred to the Committee on Banking and Currency for consideration and action.

The bill would amend the Holding Company Act to empower the Securities and Exchange Commission by rule, regulation, or order to authorize companies subject to the act to construct, own, or operate low- and moderate-income housing either through investment in housing subsidiaries of the holding-company system or through investment in individual housing projects in which corporations created or organized pursuant to title IX of the Housing and Urban Development Act of 1968—such as the recently formed National Corporation for Housing Partnerships—participate. The bill is narrowly drawn and would limit utility holding company housing investment to federally assisted low and moderate housing projects within the service area of the holding-company system and would retain for the Securities and Exchange Commission the authority to regulate the extent and nature of this investment thereby assuring continuing review by the SEC in the interests of the utility's consumers and investors.

This bill is designed to assist the Department of Housing and Urban Development in its efforts to encourage electric and gas utilities throughout the United States to participate in low and moderate income housing projects in the communities they serve. Additionally, utilities have been encouraged to invest in housing projects sponsored in part by the National Corporation for Housing Partnerships, a congressionally chartered corporation, created to facilitate private enterprise investments in low and moderate income housing projects on a limited partnership basis.

It should be recognized that public utility companies can play a unique and valuable role in providing critically needed low and moderate income housing in their service areas. These companies have a special social and economic interest in the stability and well-being of the communities they serve. They have the financial and managerial resources to construct low and moderate income housing. They are familiar with Government regulation and can work effectively under federally assisted housing programs. They occupy positions of prestige and stability in their own communities and can play a catalytic role in involving other local business leaders in housing and community development problems.

While many private businessmen are unwilling to subject themselves to Government controls and do not desire to participate in federally assisted low and moderate income housing programs, a number of utility holding-company systems have expressed a willingness to become involved in this much-needed housing construction. I believe that they can make a contribution to attaining our national housing goals and should be encouraged to do so.

This bill is needed because of a recent ruling by the SEC that the Holding Company Act does not empower the SEC to authorize utilities subject to the act to invest in federally assisted housing development. This decision of the SEC did not suggest, however, that holding-company system participation in low and moderate income housing is detrimental to the interests of the utility's consumers or investors. To the contrary, the SEC recognized the policy of the National Housing Act to assist private industry in housing programs but concluded by a 3-to-2 vote that utility holding-company activities in this field were not contemplated by the Holding Company Act as originally enacted in 1935.

I am pleased to report that the SEC has participated in the drafting of this bill and has stated that it has no objection to its passage.

Mr. President, I have received a letter from Secretary George Romney describing the bill, its justification and the need for its expeditious passage. I ask unanimous consent that the bill and Secretary Romney's letter and its attachments be included at the conclusion of my remarks and printed in the RECORD.

Because this bill deals with housing for low- and moderate-income families under federally assisted programs, I have discussed this matter with the distinguished chairman of the Committee on Banking and Currency. I am hopeful that the Committee on Banking and Currency will be able to include the proposed amendment in this year's housing bill which I understand is now being marked up in executive session. Without waiving, in any way, the Commerce Committee's jurisdiction over the Public Utility Holding Company Act, it is our view that the need for immediate action on the subject matter of the proposed amendment is such that the housing bill is the appropriate vehicle for the amendment. Accordingly, I ask unanimous consent that this bill be referred to the Committee on Banking and Currency for its consideration.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received; and, without objection, the bill will be referred to the Committee on Banking and Currency, and the bill, letters, and memorandum will be printed in the RECORD.

The bill (S. 4272) to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935, to provide housing for persons of low and moderate income, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 791(c)) is amended by omitting the word "or" at the end of subsection (2), substituting a semicolon for the period and adding the word "or" at the end of subsection (3), and adding the following:

"(4) (A) securities of a subsidiary company engaged in the business of providing housing for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act, as amended, or a substitute thereof, or (B) securities of or interests in a company organized for such housing programs within the service area of a holding-company system and which receives financial or other as-

sistance from a company created or organized pursuant to title IX of the Housing and Urban Development Act of 1968. In no event shall such acquisitions be made except within such limitations and upon such terms and conditions, and with due regard to other provisions of this title, as the Commission may permit by rules and regulations or order as not detrimental to the public interest or the interest of investors or consumers."

The letters and memorandum, presented by Mr. MAGNUSON, are as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., August 12, 1970.

Hon. GEORGE ROMNEY,
Secretary of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: I have your letter of July 16, 1970, in which you suggest an amendment to the Public Utility Holding Company Act of 1935 so as to permit this Commission to authorize public-utility holding-company systems to participate in government assisted programs to provide low and moderate income housing. To your letter is appended a proposed bill to accomplish this purpose.

The Commission has considered your proposal. The Commission would have no objection to your proposed addition of paragraph (4) to Section 9(c) if revised as follows:

"(4) (A) securities of a subsidiary company engaged in the business of providing housing for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act, as amended, or a substitute thereof, or (B) securities of or interests in a company organized for such housing programs within the service area of a holding-company system and which receives financial or other assistance from a company created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968. In no event shall such acquisitions be made except within such limitations and upon such terms and conditions, and with due regard to other provisions of this title, as the Commission may permit by rules and regulations or order as not detrimental to the public interest or the interest of investors or consumers."

You also suggested an amendment to Section 6(b) of that Act, but in our opinion this amendment is unnecessary. Section 6(b) as it now reads already provides an exemption, by rule or order, for the issue and sale of securities by a subsidiary company of a registered holding company engaged in owning and operating low and moderate income housing.

Our staff has discussed these changes with Mr. G. Richard Dunnells, Special Assistant to the Under Secretary.

Sincerely,

HAMER H. BUDGE,
Chairman.

AUGUST 18, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing for consideration by the Senate Commerce Committee a bill which would enable public utility holding-company systems to participate in Federally-assisted programs to provide low and moderate income housing.

The bill would amend the Public Utility Holding Company Act of 1935 to permit such utilities to construct, own or operate Federally-assisted low and moderate income housing either individually or in partnership with a national housing corporation created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968. Under the bill, the Securities and Exchange Commission would retain the authority to regulate the extent and nature of participation by holding company systems in these housing activities, thereby assuring continuing review by the Commission in the interests of the utility's consumers and investors.

The legislation is necessary because of a recent ruling by the S.E.C. that the Holding Company Act does not empower the S.E.C. to authorize utilities subject to the Act to participate in such housing activities. The decision of the S.E.C. did not suggest, however, that utility participation in low and moderate income housing programs is contrary to the interests of utility consumers or investors. The S.E.C. recognized the policy of the National Housing Act to assist private industry in housing programs but concluded by a 3–2 vote, that utility holding-company activity in this field was not contemplated by the Holding Company Act as originally enacted in 1935. This reversed a previous 3–1 S.E.C. decision which had authorized a utility subject to the Act to construct low and moderate income housing.

I am pleased to report that the S.E.C. has participated in the drafting of the subject bill and has stated that it has no objection to its passage.

I recognize that utility holding-company systems represent only a fraction of the nation's public utilities and that, in terms of dollar investment and number of housing units produced, their contribution to solving the critical housing needs of low and moderate income families might be deemed to be minimal. However, for some time this Department has recognized the unique and valuable role that public utility companies can play in providing low and moderate income housing in their service areas. These companies have a special social and economic interest in the stability and well-being of the communities in which they do business. They have the ability and resources to finance and construct low and moderate income housing, can work effectively with the branches of government involved in housing and, as business leaders of their communities, can play a catalytic role in involving other business leaders in local housing and community development problems.

While many private businesses are unwilling to subject themselves to government controls and do not desire to participate in low and moderate income housing, we have found that a number of utility holding-company systems are willing and able to become involved in this much needed housing construction. The Department believes that they can make a contribution toward attaining our national housing goals and should be encouraged to do so.

I realize that there are many important matters before your Committee, but I sincerely hope that you may act upon this bill at the earliest possible date. The S.E.C.'s recent decision, which was noted above, has halted plans for the immediate construction of a number of low and moderate income housing units and has postponed planning for other projects.

Sincerely,

GEORGE ROMNEY.

MEMORANDUM ON PROPOSED AMENDMENT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 TO AUTHORIZE PARTICIPATION IN LOW AND MODERATE INCOME HOUSING PROGRAMS

PRELIMINARY STATEMENT

The Department of Housing and Urban Development (HUD), with the participation and concurrence of the Securities and Exchange Commission (S.E.C.), has recommended to the Congress an amendment of the Public Utility Holding Company Act of 1935 which would make clear the authority of the S.E.C. to permit companies regulated under that Act to participate in government-assisted low and moderate income housing programs. This memorandum will indicate the background and need for the proposed legislation.

BACKGROUND

In adopting the Public Utility Holding Company Act of 1935, Congress provided in Section 11(b)(1), 15 U.S.C. § 79k(b)(1), that holding-company systems must be limited to the utility business in which they are engaged and "such other businesses as are reasonably incidental, or reasonably necessary or appropriate to the operations of such integrated public-utility systems."

In March of 1969, the S.E.C., by a divided vote, held that the participation by a holding-company subsidiary in low and moderate income housing programs administered by HUD satisfied the statutory standards of the Holding Company Act.[1] The majority held in this connection:

"This overwhelmingly necessary and yet relatively limited investment of private capital cannot, in our view, be considered 'detrimental to the carrying out' of the simplification and integration provisions of the Holding Company Act. Investment of private capital for such a purpose has been generally determined by Congress to be in the national interest and specifically determined by management to be in the corporate interest—and both determinations have been made on the basis of compelling and uncontroverted facts of great significance to both the country and the company."

However, in a recent ruling on the same question the S.E.C., again by a closely divided vote, reversed its position.[2] While not questioning the desirable social purpose served by utility holding-company participation in low and moderate income housing programs, the S.E.C. concluded that the Holding Company Act, as adopted in 1935, did not authorize this activity by companies subject to regulation thereunder. The purpose of the legislation now proposed is to clarify the language of the Holding Company Act in that regard.

THE NEED FOR BROAD PARTICIPATION BY PRIVATE INDUSTRY IN LOW AND MODERATE INCOME HOUSING PROGRAMS

In enacting the Housing and Urban Development Act of 1968, Congress declared as follows:

"The Congress affirms the national goal, as set forth in section 1441 of Title 42, of 'a decent home and a suitable living environment for every American family.'"

It is apparent, however, that this goal has not been accomplished and that the gap between supply and demand for decent housing has been growing at an alarming rate. In an effort to mobilize all sectors of the economy in the drive to provide adequate housing for our citizens, there has been an increasing awareness of the desirability of enlisting the efforts of private business in helping to solve the shortages of housing for low and moderate income families. In his message to Congress of February 22, 1968, accompanying the proposed Housing and Urban Development Act of 1968, President Johnson said in part:

"The Government's concern is to stimulate private energy and local action—to provide capital where needed, to guarantee financing, to offer assistance that encourages planning and construction.

"The real job belongs to local government and the private sector—the homebuilder, the mortgage banker, the contractors, the non-profit sponsor, the industrialist who now sees in the challenge of the cities a new opportunity for American business."

Similarly, President Nixon, in his transmittal to the Congress of the Second Annual

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[1] Re Michigan Consolidated Gas Company, Holding Company Act Release No. 16331.

[2] Re Michigan Consolidated Gas Company, Holding Company Act Release No. 16763.

Report on Housing Goals on April 1, 1970, again emphasized that

"The Administration, the Congress, private industry, and labor must cooperate closely in removing the obstacles and making the commitments necessary to meet our housing objectives within the framework of sustainable economic growth."

The Congress has likewise expressed its conviction that private industry must play an important role in meeting the Nation's housing needs. For example, the preamble to the Housing and Urban Development Act of 1968, after indicating that "highest priority" must be given to programs designed to meet the housing needs of low and moderate income families, states that ". . . in the carrying out of such programs there should be the fullest practicable utilization of the resources and capabilities of private enterprise and of individual self-help techniques."

The principal vehicle for participation by private industry in low and moderate income housing programs is through the formation of "limited dividend" corporations, as authorized by the National Housing Act, as amended. A limited dividend corporation is limited as to its rate of return on its equity investment in the housing project, and HUD has broad regulatory control over its operations and accounting methods. In addition, HUD maintains complete control over the rents that may be charged to tenants and over construction costs, design, building methods, size of units and economic feasibility of each housing project constructed under these programs.

THE IMPORTANCE OF UTILITY PARTICIPATION IN LOW- AND MODERATE-INCOME HOUSING

Because of the regulation of rate of return and rents and the other restrictions necessarily imposed upon limited dividend corporations by the National Housing Act and HUD regulations, many businesses are unwilling to participate as sponsors of low and moderate income housing projects. However, HUD has found in recent years that public utilities are able and, in a number of instances, willing to participate in these programs, and HUD has been actively encouraging such participation.

The reasons that public utilities have responded to the call for greater participation by the private sector in low and moderate income housing programs are basically two:

First, the construction and operation of housing projects under HUD regulation is remarkably similar to utility regulation. As noted above, rents, like utility rates, are set by a government agency and may only be increased upon a showing of higher operating costs. The rate of return on the company's investment in a housing development is regulated, again like return on utility operations. A uniform system of accounts is prescribed for the housing operation which is similar to that prescribed for utility companies. A limited dividend corporation must file detailed reports on its operations, much like the utility's periodic reports to state and Federal regulatory bodies. In short, a utility is accustomed to operating within the regulated framework required by the Federal housing laws, which, to many businesses, would present a significant deterrent.

Second, utility companies serving urban areas are necessarily committed to the long-range welfare of those areas. Unlike many other businesses, a utility cannot simply remove its plant and work force to an outlying area to avoid urban problems. A utility's investment in service facilities and its customers are located in the urban areas it serves. Its interest in the rebuilding and rehabilitation of those areas is thus direct and compelling. Thus, in addition to social incentives, the utility has an economic incentive in the rebuilding of the cities that makes it a logical and sometimes indispensable catalyst in the initiation and successful implementation of low and moderate housing programs.

Finally, HUD has found that utilities generally have the managerial and financial resources necessary to insure efficient construction and operation of low and moderate income housing projects. Under circumstances where time is money, and the prompt construction of projects is essential to carry out housing programs, such expertise is of real value.

THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP

Title IX of the Housing and Urban Development Act of 1968 authorized the creation of National Corporation for Housing Partnerships (NCHP) and The National Housing Partnership (NHP) as vehicles by which private businesses would be further encouraged to participate in providing low and moderate income housing using government-assisted programs. NHP will be managed by a general partner, NCHP. NHP's principal activity will be investing in local limited partnerships throughout the United States, each of which will construct and operate a housing project. In the usual case it is expected that these local projects will be financed under HUD programs. NHP would ordinarily become a limited partner in a local partnership and provide no more than 25 percent of the equity investment required for a project. Local investors interested in sponsoring low and moderate income housing projects would provide the remaining 75 percent.

Certain companies regulated by the S.E.C. under the Public Utility Holding Company Act have indicated that they desire to participate in the program proposed by NHP and NCHP as general or limited partners in local partnerships formed to construct and operate specific low and moderate income housing projects in their service areas.

EFFECT OF PROPOSED AMENDMENT

The proposed amendment would authorize the S.E.C. to permit companies subject to the Public Utility Holding Company Act to construct, own or operate low and moderate income housing under HUD-assisted housing programs either through housing subsidiaries of the holding-company system or through direct investment in local housing projects in which national corporations or partnerships created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968 participate. The proposed amendment would retain for the S.E.C. discretion over whether to approve each low and moderate income housing activity of a company subject to the Holding Company Act, but would make it clear that the S.E.C., if it elected to do so, would have the authority to approve such an activity.

ADDITIONAL COSPONSOR OF A BILL

S. 2658

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent that the name of the senior Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of S. 2658, which would entitle veterans of World War I and their widows and children to a pension on the same basis as veterans of the Spanish-American War and their widows and children respectively.

The PRESIDING OFFICER (Mr. ALLEN). 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 Nevada (Mr. BIBLE), the Senator from Kansas (Mr. PEARSON), the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. ALLOTT), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. TALMADGE), the Senator from Montana (Mr. METCALF), and the Senator from Michigan (Mr. HART) 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. JORDAN of Idaho). Without objection, it is so ordered.

SENATE RESOLUTION 452—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT (S. REPT. NO. 91-1134)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 452) and submitted a report thereon, which report was ordered to be printed, and the resolution was placed on the calendar, as follows:

S. RES. 452

Resolved, That the seventy-first annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1968, be printed, with an illustration, as a Senate document.

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 850

Mr. RIBICOFF (for himself and Mr. HARRIS) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. RIBICOFF when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 851

MEDICARE AND MEDICAID

Mr. BENNETT. Mr. President, on July 1, I informed the Senate of my

intention to offer an amendment to the social security bill now pending in the Finance Committee to provide a new system of professional review of health services provided under our Federal health plans. The proposal was outlined in substantial detail in my speech. At that time, I indicated that its genesis was in a draft given me by the American Medical Association. My amendment, however, is more comprehensive and more positive. In addition, it shifts the primary emphasis for review from State medical societies to local societies. The amendment also contains a number of provisions assuring public accountability and responsibility.

That amendment, which I am submitting today, would authorize the establishment of professional standards review organizations, generally at local levels, as the primary mechanism to control and moderate the soaring costs of medicare and medicaid.

We have learned from long, hard, and costly experience that the Federal Government and its various public and private agents generally have been unable effectively to monitor and assure economical and efficient use of properly provided health care services in medicare and medicaid. What we must have are assurances that, in medicare and medicaid, only services necessary to proper health care are provided; that those services are provided on a basis consistent with professional standards; and that where medically appropriate, less costly alternative modes and sites of health care are called to the attention of the attending physician.

Unquestionably, those necessary determinations can best be made by health care professionals who recognize and accept the need to provide those assurances as a legitimate responsibility and concern of their profession.

Thus, my amendment provides that Professional Standards Review Organizations would be established in each area of the country, with the Secretary of Health, Education, and Welfare giving priority to designating qualified local medical societies as those review organizations.

Let me explain what is meant by a "qualified" medical society. In some cases, it would involve groupings of local societies, or possibly multicounty organizations. In other areas, State medical societies might be designated as the Professional Standards Review Organization. In any event, however, a medical society must be willing and capable of assuming responsibility for the on-going review and approval of all health care services rendered or ordered by physicians and of making suitable arrangements for the review of other health care services rendered by nonphysicians. All of this would be undertaken in accordance with a formal plan for progressive assumption of review responsibilities which would be approved by the Secretary of Health, Education, and Welfare.

Where organized medicine is unwilling or unable to assume the responsibilities of a Professional Standards Review Organization, or where the performance of a particular organization is only pro forma or token, the amendment contemplates that the Secretary would arrange for the designation of another private or public organization or agency which has the professional competence to undertake the necessary functions.

All Professional Standards Review Organizations initially will be approved on a conditional basis—not to exceed a period of 2 years. During that trial period, all existing review mechanisms would continue to function until such time as the Professional Standards Review Organization effectively and satisfactorily has demonstrated its capacity to perform an equivalent or superior review. The amendment would give up none of the review mechanisms we now have until there is solid proof that the new organization can do better.

The on-going review would involve maintenance and regular examination of patient, practitioner, and provider profiles of care and service. Additionally, the Professional Standards Review Organization would be responsible for approval in advance of all elective admissions to hospitals and nursing homes. Emergency admissions obviously should not require prior approval, and under my amendment they would not. There would be a subsequent review and a need for further approval by the Professional Standards Review Organization where a physician desires that his patient remain in the hospital beyond the average stay for patients of a given age and condition.

I would stress at this point the fact that objective and impartial review must be provided by a Professional Standards Review Organization. Malice and vendettas by members of the review group against other practitioners are by definition "nonprofessional" and in the unlikely event of such occurrences, I would expect that the Secretary of Health, Education, and Welfare, in the absence of immediate voluntary corrective action by the organization would promptly act to terminate the contract with that organization.

Following my July 1 speech, I have talked with a number of groups representing several health professions and medical specialty organizations. All stressed their interest in peer review. Most expressed concern that review activities be performed by actual peers. In other words, they feel that any review of a medical specialist such as a neurosurgeon should be performed by other neurosurgeons. Others stated that review of health services such as physical therapy should be the responsibility of other physical therapists.

The amendment, I believe, essentially and effectively deals with these concerns. Responsibility for review is placed with physicians, since it is the physician who is ultimately responsible for ordering or providing virtually all health care services. However, the local Professional Standards Review Organizations would have authority to engage and would be expected to utilize medical specialists such as neurosurgeons for specialty review. Similar arrangements could be made with those qualified to review physical therapy and other health services.

Under the amendment, Professional Standards Review Organizations are to apply professionally developed regional norms of care and treatment in their review process. There is a large body of readily available data on length of hospital stay by age and diagnosis in all areas of the country. For example, the Committee on Professional and Hospital Activities, an organization sponsored by the American Hospital Association, the American College of Physicians, and the American College of Surgeons has developed comprehensive published data based upon many millions of hospital discharges—which indicate average lengths of stay by age, diagnosis and areas of the country.

This type of data would be used by the National Professional Standards Review Council in publishing norms of care by regions for use by the Local Professional Standards Review Organizations.

During work on the amendment, it became obvious that the present system of medicare recertification of need for hospital care makes little sense from a professional standpoint. Currently, a physician must recertify as to continuing need for hospitalization at the 12th hospital day. This point was selected arbitrarily, and bears no relation to whether the patient's age and illness would usually warrant a longer or shorter hospital stay.

With professionally developed data available, it would be far more sensible, and efficient, for the Professional Standards Review Organizations to apply the average length of stay for a given diagnosis as a checkpoint for review of continued need for hospitalization, and this is what my amendment proposes.

The professionally developed and published norms of care which would be applied under the proposed amendment are intended to be review checkpoints. They are not proposed as barriers to any additional care that may be needed beyond the predetermined checkpoint.

There is no intention, either in the operation of the Professional Standards Review Organizations or in the application of norms of care and treatment to stifle innovative medical practice or procedure or to inhibit the exercise of reasonable professional discretion. The objectives of the proposal are reasonableness—not conformism in medical practice.

Any information acquired by a review organization in discharging its responsibilties would in general be confidential and available only for program purposes or to protect the rights of patients, practitioners, and providers. Violation of confidentiality would be punishable by up to 6 months imprisonment and a fine of up to $1,000.

Many of the provisions in the amendment are patterned after medical society sponsored foundations, such as the San Joaquin and Sacramento Foundations in California.

Spokesmen for these foundations testified before the Finance Committee that it would be easier for them to do an effective job of review if they could also assume responsibility and risk with re-

spect to the review and payment of claims.

I have included in my amendment a provision authorizing demonstration programs so that the Secretary can contract with Professional Standards Review Organizations on an insured basis. This would permit comparison of results between Professional Standards Review Organizations where risk is assumed and those where no risk is undertaken.

Mr. President, the intent, substance, and safeguards of my amendment may be determined through a reading of the amendment itself and a section-by-section summary of its provisions. I, therefore, ask unanimous consent that both the amendment and the summary be printed in the RECORD at the conclusion of my remarks.

I do not contend that the amendment is incapable of improvement. It is, however, the product of a great deal of effort and consultation. Hopefully, during the course of the next several weeks and during public hearings on the social security bill in September, the amendment can be refined and further improved on the basis of the informed and thoughtful comments and suggestions of concerned and interested citizens and organizations.

All of us, Mr. President, share a common concern with the need to assure reasonable professional controls in medicare and medicaid—in fact, in our entire health care system.

The amendment which I submit today was prepared and is offered in a spirit of meeting the legitimate concerns of millions of citizens who depend upon medicare and medicaid, the professions concerned with providing health care, and the public interest in general. I invite all of my colleagues to join with me in sponsoring this amendment.

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

The amendment (No. 851) was referred to the Committee on Finance, as follows:

AMENDMENT No. 851

On page 142, between lines 17 and 18, insert the following:

PROFESSIONAL STANDARDS REVIEW

SEC. 240. (a) (1) The heading to title XI of the Social Security Act is amended by striking out

"TITLE XI—GENERAL PROVISIONS"

and inserting in lieu thereof

"TITLE XI—GENERAL PROVISIONS AND PROFESSIONAL STANDARDS REVIEW

"PART A—GENERAL PROVISIONS".

(2) Title XI of such Act is further amended by adding after section 1122 thereof (as added by section 221(a) of this Act) the following:

"PART B—PROFESSIONAL STANDARDS REVIEW

"DECLARATION OF PURPOSE

"SEC. 1151. (a) In order to promote the effective, efficient, and economical delivery of health care services for which payment may be made (in whole or in part) under title XVIII, under State plans approved under titles V or XIX, or under any other program or plan established by or pursuant to any other title of this Act, it is the purpose of this part to assure, through the application of suitable procedures of professional standards review, that the services for which payment may be made under the Social Security Act will conform to appropriate professional standards for the provision of health care and that payment for such services will be made—

"(1) only when and to the extent, medically necessary, as determined in the exercise of reasonable limits of professional discretion; and

"(2) in the case of services provided by a hospital or other health care facility on an in-patient basis, only when and for such period as such services cannot, consistent with professionally recognized health care standards, effectively be provided on an outpatient basis or more economically in an inpatient health care facility of a different type, as determined in the exercise of reasonable limits of professionals discretion.

"(b) Whenever the term 'health care services' is used in this part, such term shall include appropriate services (as determined under regulations of the Secretary) provided, pursuant to section 1121, in intermediate care facilities.

"DESIGNATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1152. (a) The Secretary shall at the earliest practicable date, but not later than January 1, 1972, enter into agreements with qualified organizations whereby such an organization shall be designated in each area of the United States as the Professional Standards Review Organization for such area.

"(b) For purposes of subsection (a), the term 'qualified organization' means—

"(1) when used in connection with any area—

"(A) a nonprofit professional society (i) (or a component organization thereof) which is composed of physicians engaged in the practice of medicine or surgery in such area, (ii) the membership of which includes a substantial proportion of all such physicians in such area, and (iii) which has available professional competence to review health care services of all types and kinds with respect to which Professional Standards Review Organizations have review responsibilities under this part, or

"(B) such other public, nonprofit private, or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable; and

"(2) which the Secretary finds to be willing to perform and capable of performing, in an effective and timely manner and at a reasonable cost, the duties, functions, and activities of a Professional Standards Review Organization required by or pursuant to this part.

"(c) (1) The Secretary shall not enter into any agreement under this part under which there is designated as the Professional Standards Review Organization for any area any organization other than an organization referred to in subsection (b) (1) (A) unless, in such area, there is no organization referred to in subsection (b) (1) (A) which meets the criteria specified in subsection (b) (2).

"(2) Whenever the Secretary shall have entered into an agreement under this part under which there is designated as the Professional Standards Review Organization for any area any organization other than an organization referred to in subsection (b) (1) (A), he shall not renew such agreement with such organization if he determines that—

"(A) there is in such area an organization referred to in subsection (b) (1) (A) which (i) has not been (nor has its predecessor been) previously designated as a Professional Standards Review Organization, and (ii) is willing to enter into an agreement under this part under which such organization would be designated as the Professional Standards Review Organization for such area;

"(B) such organization meets the criteria specified in subsection (b) (2); and

"(C) the designation of such organization as the Professional Standards Review Organization for such area will result in an improvement in the performance in such area of the duties and functions required of such organizations under this part.

"(d) (1) An agreement entered into under this part between the Secretary and any organization under which such organization is designated as the Professional Standards Review Organization for any area shall provide that such organization will—

"(A) perform such duties and functions and assume such responsibilities and comply with such other requirements as may be required by this part or under regulations of the Secretary promulgated to carry out the provisions of this part; and

"(B) collect such data relevant to its function and information and keep and maintain such records as the Secretary may require to carry out the purposes of this part and to permit access to and use of any such records as the Secretary may require for such purposes.

"(2) (A) Any such agreement with an organization under this part shall provide that the Secretary shall make payments to such organization equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary, by such organization in carrying out or preparing to carry out the duties and functions required by such agreement.

"(B) Any such payments to an organization shall be made in advance or by way of reimbursement and in such installments as the Secretary shall prescribe by regulations.

"(3) Any such agreement under this part with an organization shall be for a term of 12 months; except that, prior to the expiration of such term, such agreement may be terminated—

"(A) by the organization at such time and upon such notice to the Secretary as may be prescribed in regulations (except that notice of more than 6 months may not be required); or

"(B) by the Secretary at such time and upon such reasonable notice to the organization as may be prescribed in regulations, but only after the Secretary has determined (after a formal hearing on the matter) that such organization is not fully complying with or effectively carrying out the provisions of such agreement.

"REVIEW PENDING DESIGNATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATION

"SEC. 1153. Pending the assumption by a Professional Standards Review Organization for any area, of full review responsibility, and pending a demonstration of capacity for improved review effort with respect to matters involving the provision of health care services in such area for which payment (in whole or in part) may be made, under title XVIII, any State plan approved under titles V or XIX, or under any other program established by or pursuant to any other title of this Act, any review with respect to such services which has not been designated by the Secretary as the responsibility of such Organization, shall be reviewed in the manner otherwise authorized under law.

"TRIAL PERIOD FOR PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1154. (a) The Secretary shall initially designate an organization as a Professional Standards Review Organization for any area on a conditional basis with a view to determining the capacity of such organization to perform the duties and functions imposed under this part on Professional Standards Review Organizations. Such designation may not be made prior to receipt from such organization and approval by the Secretary of

a formal plan for the orderly assumption and implementation of the responsibilities of the Professional Standards Review Organization under this part.

"(b) During any such trial period (which may not exceed twenty-four months), the Secretary may require any organization, during the period it is conditionally designated as a Professional Standards Review Organization, to perform only such of the duties and functions required under this part of Professional Standards Review Organizations as he determines such organization to be capable of performing. The number and type of such duties shall, during the trial period, be progressively increased as the organization becomes capable of added responsibility so that, by the end of such period, such organization shall be considered a qualified organization only if it effectively assumed full responsibility for all activities and functions required of Professional Standards Review Organizations under this part. Any of such duties and functions not performed by such organization during such period shall be performed in the manner and to the extent otherwise authorized under law.

"(c) Any agreement under which any organization is conditionally designated as the Professional Standards Review Organization for any area may be terminated by such organization upon ninety days' notice to the Secretary or by the Secretary upon ninety days' notice to such organization.

"(d) In order to avoid duplication of functions and unnecessary review and control activities, the Secretary is authorized to waive any or all of the review or similar activities otherwise required under or pursuant to any provision of this Act (other than this part) where he finds, on the basis of substantial evidence of the effective performance of review and control activities by Professional Standards Review Organizations, that the review and similar activities otherwise so required, are not needed for the provision of adequate review and control.

"DUTIES AND FUNCTIONS OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1155. (a) (1) It shall be the duty and function of each Professional Standards Review Organization for any area to assume responsibility for the review of the professional activities in such area of physicians and other health care practitioners and institutional providers of health care services (including any facility for intermediate care) in the provision of health care services for which payment may be made (in whole or in part) under title XVIII, under any State plan approved under titles V or XIX, or under any other program established by or pursuant to any other title of this Act, for the purpose of determining whether—

"(A) such services are or were medically necessary;

"(B) the quality of such services meets professionally recognized standards of health care; and

"(C) in case such services are proposed to be provided in a hospital or other health care facility on an in-patient basis, such services could, consistent with the provision of appropriate medical care, be effectively provided on an outpatient basis or more economically in an in-patient health care facility of a different type.

"(2) It shall also be the responsibility of each Professional Standards Review Organization to determine, in advance, in the case of—

"(A) any elective admission to a hospital, intermediate care facility, or other health care facility, or

"(B) any other health care service which will consist of extended or costly courses of treatment, whether such service, if provided, or if provided by a particular health care practitioner or by a particular hospital, intermediate care facility, or other health care facility, would meet the criteria specified in clause (A) and (C) of paragraph (1).

"(3) For purposes of subsection (a) (2) (A), initial admissions shall be approved for periods certain determined in relation to standards intervals established by diagnosis, age, and other medically relevant criteria. The time for recertification shall be established at such point in time as will provide the attending physician and the Professional Standards Review Organization with adequate and timely opportunity for proper review of such request prior to expiration of the period of initial approval.

"(4) Each Professional Standards Review Organization shall be responsible for the development, maintenance, and regular review of profiles of care and services received and provided with respect to each patient, utilizing to the greatest extent practicable in such patient profiles methods of coding which will provide maximum confidentiality as to patient identity and assure objective evaluation consistent with the purposes of this part. Profiles shall also be developed, maintained and regularly reviewed on an ongoing basis with respect to each health care practitioner and provider to determine whether the care and services are consistent with the criteria specified in clauses (A), (B), and (C) of paragraph (1).

"(5) Physicians assigned responsibility for the review of hospital care may be only those having non-courtesy hospital staff privileges in at least one of the participating hospitals in the area served by the Professional Standards Review Organization.

"(6) No physician shall be permitted to review patient care with which he is directly or indirectly involved or with respect to care or service in any institution in which he has a direct or indirect financial interest within the meaning of section 318 of the Internal Revenue Code.

"(b) To the extent necessary or appropriate for the proper performance of its duties and functions, the Professional Standards Review Organization serving any area is authorized in accordance with regulations prescribed by the Secretary to—

"(1) utilize the services as necessary, of specialists in the various areas of medicine or other types of health care, which specialists shall, to the maximum extent practicable, be individuals engaged in the practice of their profession within the area served by such Organization;

"(2) undertake such professional inquiry either before or after, or both before and after, the provision of services with respect to which such Organization has a responsibility for review under subsection (a) (1);

"(3) examine the pertinent records of any practitioner or provider of health care services providing services with respect to which such Organization has a responsibility for review under subsection (a) (1); and

"(4) inspect the physical facilities in which care is rendered or services provided (which are located in such area) of any practitioner or provider.

"NORMS OF HEALTH CARE SERVICES FOR VARIOUS ILLNESSES OR HEALTH CONDITIONS

"SEC. 1156. (a) Each Professional Standards Review Organization shall apply professionally developed norms of care and treatment based upon average patterns of practice in their region as principal points of evaluation and review. The National Review Organization and the Secretary shall provide such technical assistance to the organization as will be helpful in utilizing and applying such norms of care and treatment. Where the actual norms of care and treatment in a Professional Standards Review Organization area are significantly different from regional or national norms for comparable conditions, as shall be determined and approved by the National Professional Standards Review Council based upon its analyses of appropriate and adequate data, the Professional Standards Review Organization concerned shall be so informed, and in the event that appropriate consultation and discussion indicate reasonable basis for usage of such unusual norms in the area concerned, the Professional Standards Review Organization may apply such actual norms in such area as are approved by the National Professional Standards Review Council.

"(b) Any such norm with respect to methods and sites of treatment for any particular illness or health condition shall indicate—

"(1) the type and extent of the health care services which are considered appropriate, consistent with professionally recognized and accepted standards, in the treatment of such illness or health condition;

"(2) the type of health care facility (including a facility for intermediate care) which is considered, consistent with such standards, to be the type in which health care services which are medically appropriate for such illness or condition can most economically be provided.

"(c) (1) The National Professional Standards Review Council shall prepare and distribute to each Professional Standards Review Organization and to each other agency or person performing review functions with respect to the provision of health care services under title XVIII, under State plans approved under titles V or XIX, or under any other program established by or pursuant to any other title of this Act, appropriate materials indicating the regional and national norms to be utilized pursuant to this part. Such data concerning norms shall be reviewed and revised from time to time.

"(2) Each review organization, agency, or person referred to in paragraph (1) shall utilize the norms developed under this section as a principal point of evaluation and review for determining, with respect to any health care services which have been or are proposed to be provided, whether—

"(A) such services are or were medically necessary;

"(B) the quality of such services meets professionally recognized standards of health care; and

"(C) in case such services are provided by a hospital or other health care facility on an in-patient basis, such services could, consistent with professionally recognized health care standards, be effectively provided on an out-patient basis or more economically in an in-patient health care facility of a different type.

"SUBMISSION OF REPORTS BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1157. If, in discharging its duties and functions under this part, any Professional Standards Review Organization determines that any health care practitioner or any hospital, intermediate care facility, or other health care facility has violated any of the obligations imposed by section 1160, such Organization shall report the matter to the Statewide Professional Standards Review Council for the State in which such Organization is located (or if there is no such Council, to the Secretary) together with the recommendations of such Organization as to the action which should be taken with respect to the matter. Any Statewide Professional Standards Review Council receiving any such report and recommendation shall review the same and promptly transmit such report and recommendation to the Secretary together with such comments or recommendations thereon as it deems appropriate.

"REQUIREMENT OF REVIEW APPROVAL AS CONDITION OF PAYMENT OF CLAIMS

"SEC. 1158. Notwithstanding any other provision of law, no Federal funds appropriated under any title of this Act for the provision of health care services shall be used (di-

rectly or indirectly) for the payment, under any such title or any program established pursuant thereto, of any claim for the provision of such services if—

"(1) the provision of such services is subject to review by any Professional Standards Review Organization, or other agency; and

"(2) such Organization or other agency has, in the proper exercise of its duties and functions under or consistent with the purposes of this part, disapproved of the services giving rise to such claim, and has, prior to the provision of such services, notified the practitioner or provider providing such services and the individual to receive such services of its disapproval of the provision of such services to such individual.

"NOTICE TO CLAIMS PAYMENT AGENCY OF DISAPPROVAL OF SERVICES

"SEC. 1159. Whenever any Professional Standards Review Organization, in the discharge of its duties and functions as specified by or pursuant to this part, disapproves of any health care services furnished by any practitioner or provider, such Organization shall promptly notify the agency or organization having responsibility for acting upon claims for payment for or on account of such services.

"OBLIGATIONS OF HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES; SANCTIONS AND PENALTIES

"SEC. 1160 (a) (1) It shall be the obligation of any health care practitioner who, and hospital or other facility (including any facility for intermediate care) providing health care services which, provides health care services for which payment may be made (in whole or in part) under title XVIII, under any State plan approved under titles V or XIX, or under any program established by or pursuant to any other title of this Act, to assure that services provided by him (or it)—

"(A) will be provided only when, and to the extent, medically necessary; and

"(B) will be of a quality which meets professionally recognized standards of health care.

"(2) Each health care practitioner, and each hospital or other provider of health care services (including any facility for intermediate care), shall have an obligation, within reasonable limits of professional discretion, not to take any action, in the exercise of his profession (in the case of any health care practitioner), or in the conduct of its business (in the case of any hospital or other such provider), which would authorize any individual to be admitted as an in-patient in or to continue as an in-patient in any hospital or other health care facility unless—

"(A) in-patient care is determined by such practitioner and by such hospital or other provider, consistent with professionally recognized health care standards, to be medically necessary for the proper care of such individual; and

"(B) (i) the in-patient care required by such individual cannot, consistent with such standards, be provided more economically in a health care facility of a different type; or

"(ii) (in the case of a patient who requires care which can, consistent with such standards, be provided more economically in a health care facility of a different type) there is, in the area in which such individual is located, no such facility or no such facility which is available to provide care to such individual at the time when care is needed by him.

"(b) (1) If after reasonable notice and opportunity for discussion with the practitioner or provider concerned, any Professional Standards Review Organization determines that such practitioner or provider, in providing health care services over which such Organization has review responsibility and for which payment (in whole or in part) may be made under title XVIII, under any State plan approved under titles V or XIX, or under any other program established by or pursuant to any other title of this Act, has—

"(A) by failing, in a substantial number of cases, substantially to comply with any obligation imposed on him under subsection (a), or

"(B) by grossly and flagrantly violating any such obligation in one or more instances, demonstrated an unwillingness or a lack of ability substantially to comply with such obligations, such Organization may report and recommend to the Secretary (which report and recommendation to the Secretary shall be submitted through the Statewide Professional Standards Review Council which shall promptly transmit such report and recommendations together with such comments and recommendations thereon as it deems appropriate) and he (in addition to any other sanction provided under law) may—

"(C) require that (as a condition to the continued eligibility of such practitioner or provider to provide such health care services on a reimbursable basis) such practitioner or provider pay a monetary penalty to the United States in an amount (not in excess of $5,000) (i) determined by the Secretary to be reasonably related to the the significance of the acts or conduct involved, or (ii) in case such acts or conduct involved the provision by such practitioner or provider of health care services which were medically improper or unnecessary, an amount not in excess of the actual or estimated cost of the medically improper or unnecessary services so provided, or

"(D) exclude (permanently or for such period as the Secretary may prescribe) such practitioner or provider from eligibility to provide such services on a reimbursable basis.

"(2) The amount of any such fine may be deducted from any sums owing by the United States (or any instrumentality thereof) to the person upon whom such fine is imposed.

"(C) It shall be the duty of each Professional Standards Review Organization and each Statewide Professional Standards Review Council to use such authority or influence it may possess as a professional organization, and to enlist the support of any other professional or governmental organization having influence or authority over persons providing health care services in the area served by such Review Organization, in assuring that each practitioner or provider (referred to in subsection (a)) providing health care services in such area shall comply with all obligations imposed on him under subsection (a).

"HEARINGS AND REVIEW

"SEC. 1161. (a) Whenever any Professional Standards Review Organization takes any action or makes any determination—

"(A) which denies any request, by a health care practitioner or other provider of health care services (including any facility for intermediate care), for approval of a health care service proposed to be provided by such practitioner, or provider;

"(B) that any such practitioner or provider has violated any obligation imposed on such practitioner or provider under section 1160; or

"(C) disapproving (in whole or in part) any claim by any such person for payment or health care services provided by such person;

such Organization shall, immediately after taking such action or making such determination give notice to such practitioner or provider of such determination and the basis therefor, and shall provide him with appropriate opportunity for discussion and review of the matter.

"(b) (1) Any practitioner or provider who is dissatisfied with any action or determination of any Professional Standards Review Organization, which action or determination is taken pursuant to subsection (a) with respect to his obligation under section 1160, shall, upon request to the Secretary (filed within such time and in such manner as the Secretary shall by regulations prescribe) be entitled to a hearing on the matter by the Secretary.

"(2) Within 30 days after any such hearing by the Secretary is held, the Secretary shall make a final determination as to whether the action or determination of the Professional Standards Review Organization which was the subject of such hearing should be affirmed, modified, or reversed.

"(c) Any practitioner or provider who is dissatisfied with a final determination of the Secretary, under subsection (b) (2), which is made after a hearing by the Secretary requested by such practitioner or provider with respect to his right to provide health care services for which payment (in whole or in part) may be paid, under title XVIII, any State plan approved under titles V or XIX, or any other program established by or pursuant to any other title of this Act, is revoked or suspended by action of the Secretary pursuant to section 1160(b) shall be entitled to judicial review of the Secretary's decision after such hearing to the same extent as is provided in section 205(g).

"STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS; ADVISORY GROUPS TO SUCH COUNCILS

"SEC. 1162. (a) In any State in which there is located two or more Professional Standards Review Organizations, the Secretary shall establish a Statewide Professional Standards Review Council.

"(b) The membership of any such Council for any State shall be appointed by the Secretary and shall consist of—

"(A) one representative from and designated by each Professional Standards Review Organization in the State;

"(B) such number of physicians (but not more than two as may be designated by the State medical society of such State to serve as members on such Council; and

"(C) two physicians from such State whom the Secretary shall have selected as representatives of the public in such State.

"(c) (1) It shall be the duty and function of the Statewide Professional Standards Review Council for any State, in accordance with regulations of the Secretary, to coordinate the activities of, and disseminate information and data among, the various Professional Standards Review Organizations within such State.

"(2) It shall also be the duty of such Council to promptly transmit to the Secretary, reports and recommendations received by it from Professional Standards Review Organizations, together with the comments and recommendations of the Council on such reports.

"(d) The Secretary is authorized to enter into an agreement with any such Council under which the Secretary shall make payments to such Council equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary, by such Council in carrying out the duties and functions provided in this section.

"(e) (1) The Statewide Professional Standards Review Council for any State shall be advised and assisted in carrying out its functions by an Advisory Group (of not less than 7 nor more than 11 members) which shall be made up of representatives of health care practitioners (other than physicians) and hospitals and other health care facilities (including facilities for intermediate care) which provide within the State health care services for which payment (in whole or in part) may be made under any program established by or pursuant to this Act.

"(2) The Secretary shall by regulations provide the manner in which members of such Advisory Group shall be selected by the

Statewide Professional Standards Review Council.

"(3) The expenses reasonably and necessarily incurred, as determined by the Secretary, by such Group in carrying out its duties and functions under this subsection shall be considered to be expenses necessarily incurred by the Statewide Professional Standards Review Council served by such Group.

"NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

"SEC. 1163. (a)(1) There shall be established a National Professional Standards Review Council (hereinafter in this section referred to as the 'Council') which shall consist of 11 physicians, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) Members of the Council shall be appointed for a term of 3 years and shall be eligible for reappointment.

"(3) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(b) A majority of the members of the Council shall consist of physicians of recognized standing and distinction in the appraisal of medical practice who have been recommended to the Secretary to serve on the Council by one or more national organizations recognized by the Secretary as representing practicing physicians.

"(c) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such pertinent data prepared by, for, or otherwise available to, the Department of Health, Education, and Welfare as the Council may require to carry out its functions.

"(d) Members of the Council, while serving on business of the Council, shall be entitled to receive compensation at a rate fixed by the Secretary (but not in excess of the daily rate paid under GS–18 of the General Schedule under section 5332 of title 5, United States Code), including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) It shall be the duty of the Council to—

"(1) advise and assist the Secretary in the administration of this part;

"(2) collect and distribute, among Statewide Professional Standards Review Councils and Professional Standards Review Organizations, information and data which will assist such Review Councils and Organizations in carrying out their duties and functions;

"(3) review the operations of Statewide Professional Standards Review Councils and Professional Standards Review Organizations with a view to determining the effectiveness and comparative performance of such Review Councils and Organizations in carrying out the purposes of this part; and

"(4) make or arrange for the making of studies and investigations with a view to developing and recommending to the Secretary and to the Congress measures designed more effectively to accomplish the purposes and objectives of this part.

"(f) The National Professional Standards Review Council shall from time to time, but not less often than annually, submit to the Secretary and to the Congress a report on its activities and shall include in such report the findings of its studies and investigations together with any recommendations it may have with respect to the more effective accomplishment of the purposes and objectives of this part. Such report shall also contain comparative data indicating the results of review activities, conducted pursuant to this part, in each State and in each of the various areas thereof.

"APPLICATION OF THIS PART TO CERTAIN STATE PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

"SEC. 1164. In addition to the requirements imposed by law as a condition of approval of a State plan approved under titles V or XIX, and in addition to any conditions, or requirements imposed as a condition of any grant to a State to carry on any other program for the provision of health care services to individuals established by or pursuant to this Act, there is hereby imposed the requirement that provisions of this part shall apply to the operation of such plan or program.

"CORRELATION OF FUNCTIONS BETWEEN PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS AND ADMINISTRATIVE INSTRUMENTALITIES

"SEC. 1165. The Secretary shall by regulations provide for such correlation of activities, such interchange of data and information, and such other cooperation consistent with economical, efficien', coordinated and comprehensive implementation of this part including usage of existing mechanical and other data-gathering capacity), between—

"(A)(i) agencies and organizations which are parties to agreements entered into pursuant to section 1816, (ii) carriers which are parties to contracts entered into pursuant to section 1842, and (iii) any other public or private agency (other than a Professional Standards Review Organization) having review or control functions, or proved relevant data-gathering procedures and experience, and

"(B) Professional Standards Review Organizations, as may be necessary or appropriate for the effective administration of title XVIII, State plans approved under titles V or XIX, or any program established by or pursuant to any other title of this Act.

"PROHIBITION AGAINST DISCLOSURE OF INFORMATION

"SEC. 1166. (a) Any data or information acquired by any Professional Standards Review Organization, in the exercise of its duties and functions, shall be held in confidence and shall not be disclosed to any person except (A) to the extent that may be necessary to carry out the purposes of this part or (B) in such cases and under such circumstances as the Secretary shall by regulations provide to assure adequate protection of the rights and interests of patients, health care practitioners, or providers of health care.

(b) It shall be unlawful for any person to disclose any such information other than for such purposes, and any person violating the provisions of this section shall, upon conviction, be fined not more than $1,000, and imprisoned for not more than 6 months, or both together with the costs of prosecution.

"LIMITATION ON LIABILITY FOR PERSONS PROVIDING INFORMATION, AND FOR MEMBERS AND EMPLOYEES OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1167. (a) Notwithstanding any other provision of law, no person providing information to any Professional Standards Review Organization shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law, of the United States or of any State (or political subdivision thereof) unless—

"(1) such information is unrelated to the performance of the duties and functions of such Organization, or

"(2) such information is false and the persons providing such information knew, or had reason to believe, that such information was false.

"(b)(1) No individual who, as a member or employee of any Professional Standards Review Organization or who furnishes professional counsel or services to such Organization, shall be held by reason of the performance by him of any duty, function, or activity authorized or required of Professional Standards Review Organizations under this part, to have violated any criminal law, or to be civilly liable under any law, of the United States or of any State (or political subdivision thereof).

"(2) The provisions of paragraph (1) shall not apply with respect to any action taken by any individual if such individual, in taking such action, was motivated by malice toward any person affected by such action.

"(3) For purposes of paragraph (2), an action by an individual shall be deemed to be motivated by malice toward a person or provider affected by such action, if the individual taking such action has consistently failed impartially to take similar action in similar circumstances which involved other persons or providers.

"FEDERAL OWNERSHIP OF FILES, RECORDS, AND MATERIALS

"SEC. 1168. All files, records, and materials of any Professional Standards Review Organization or any Statewide Professional Standards Review Council which such Organization or council shall have compiled or acquired in the exercise of its duties and functions imposed under this part shall be the property of the United States and shall be held, transferred, or otherwise disposed of, in such manner as the Secretary shall by regulations prescribe.

"AUTHORIZATION FOR USE OF CERTAIN FUNDS TO ADMINISTER THE PROVISIONS OF THIS PART

"SEC. 1169. Expenses incurred in the administration of this part shall be payable from—

"(1) funds in the Federal Hospital Insurance Trust Fund;

"(2) funds in the Federal Supplementary Medical Trust Fund; and

"(3) funds appropriated to carry out the provisions of—

"(A) title V;

"(B) title XIX; or

"(C) any other title of this Act (other than titles XVIII and XIX) which establishes or pursuant to which there is established any plan or program for the provision of health care services to individuals;

in such amounts from each of the sources of funds (referred to in clauses (1), (2), and (3)) as the Secretary shall deem to be fair and equitable after taking into consideration the costs attributable to the administration of this part with respect to each of such plans and programs.

"AUTHORIZATION OF DEMONSTRATION PROJECTS

"SEC. 1170. (a) In order to determine the feasibility and potential economics of methods whereby Professional Standards Review Organizations, in addition to their responsibilities under this part, assume responsibility and risk with respect to the review and payment of claims for health care services payment for which may be made (in whole or in part) under any program established by or pursuant to this Act, the Secretary is authorized to enter into agreements in periods ending not later than December 31, 1975 with such number of Professional Standards Review Organizations, in the same or in different areas of the Nation, as may be necessary to permit adequate and proper comparison of results, with respect to the review and payment of claims for such services, as between areas in which risk is assumed by Professional Standards Review Or-

ganizations and areas in which such risk is not assumed by such Organizations. The Secretary shall submit reports to the Congress on the results of such demonstration projects from time to time but not less than annually.

"(b)(1) The Secretary shall undertake such agreements with Professional Standards Review Organizations which indicate willingness and capacity to assume responsibility for review and full payment for all care and services for which beneficiaries or recipients resident in such geographic areas are eligible. Reimbursement to such Professional Standards Review Organizations for such commitments may be on a capitation, prepayment, insured or related basis for renewable contract periods not in excess of one year. Such amounts may not, on an annualized basis for the initial agreement period, exceed per capita beneficiary costs in the geographic area concerned during the 12-month period prior to the effective date of the agreement. For any subsequent periods the base 12-month period per capita beneficiaries costs shall also be applicable and adjusted by appropriate factors representing unit cost increases in covered services.

"(2) Where such agreements are negotiated, provision shall be made for assumption of risk by the underwriting Professional Standards Review Organizations through agreement to make contingent payments for physicians' services of not in excess of 80 per centum of the amounts otherwise allowable for such services in the absence of such agreement.

"(3) From any amounts remaining at the end of the agreement period, provision shall be made for equal division of such amounts between the Secretary (and the State in the case of a federally matched program) and the Professional Standards Review Organizations. The amounts actually paid to the Professional Standards Review Organizations from the divided excess may not exceed the 20 per centum of otherwise allowable amounts withheld plus an incentive payment not in excess of 25 per centum of the total amounts allowable and payable for physicians' services during that year. Any remaining amounts of the Professional Standards Review Organizations calculation in excess shall revert to the Secretary or to the State in the case of a federally matched health care program.

"(4) Any deficit shall be assumed by the Federal or State agency in order to assure beneficiaries and recipients of payment for necessary care. The Professional Standards Review Organizations shall not be entitled to the 20 per centum of the otherwise allowable amounts for physicians' services withheld in such period. In any subsequent year, the Secretary shall recover from any excess amounts remaining such additional amounts as had been paid by him to eliminate deficits in prior periods before calculation of any payments of withheld and incentive amounts to the Professional Standards Review Organizations."

The summary, presented by Mr. BENNETT, is as follows:

PROFESSIONAL STANDARDS REVIEW—MEDICARE AND MEDICAID

SECTION-BY-SECTION SUMMARY OF AMENDMENT

Declaration of purpose

Sec. 1151. Purpose of the subtitle is to promote effective, efficient and economical delivery of health services for which payment may be made under the Social Security Act, through application of professional standards review procedures which would assure that such services are of appropriate quality, and are provided only when necessary and then in the most economical fashion consistent with professional recognized health care standards.

Designation of Professional Standards Review Organization (PSRO)

Sec. 1152. The Secretary of Health, Education, and Welfare shall at the earliest practicable date, but prior to January 1, 1972, enter into agreements in each area of the United States with qualified organizations to serve as Professional Standards Review Organizations (PSRO).

In making such agreements, the Secretary would give first priority to local medical societies or subsidiary organizations which represent a substantial portion of physicians in the area. Where such groups are unable or unwilling to enter into agreements, the Secretary would make such agreements with other private nonprofit, public, or other agency or organization with professional competence.

The agreement shall provide that the designated organization will perform the duties and functions of a PSRO and that the Secretary shall pay for reasonable and necessary expenses. Agreements shall be for periods of 12 months, and may be terminated by the organization upon reasonable notice, or by the Secretary after a formal hearing.

Review pending designation of Professional Standards Review Organizations

Sec. 1153. Pending assumption of responsibility, and demonstration of capacity for improved review efforts by a PSRO, presently authorized review and audit activities shall be continued.

Trial period for Professional Standards Review Organization

Sec. 1154 (from the PSRO). The Secretary shall, after receipt and approval of a formal plan for progressive assumption of full responsibility, initially designate an organization as a PSRO on a conditional basis. During the trial period (not to exceed 24 months) the Secretary may require the PSRO to perform only such duties and functions as he deems them capable of performing. Assumption of responsibility for duties should proceed in accordance with the approved plan, so that at the end of the trial period, the PSRO is performing all required duties and functions.

An agreement by which an organization is *conditionally* designated as a PSRO may be terminated by either party on 90 days' notice.

Any duties and functions not performed by a PSRO during the trial period shall continue to be performed as presently authorized. The Secretary is authorized to waive any other review requirements where he finds, based on substantial evidence, that the PSRO meets or exceeds those requirements.

Duties and functions of Professional Standards Review Organization

Sec. 1155. It shall be the duty and function of each PSRO to assume responsibility for review of the professional activities of health care practitioners and providers with respect to health care services for which payment may be made under the Social Security Act. Such review shall be for the purpose of determining whether the services are necessary to proper health care; meet recognized professional standards of health care; and are provided in the most economical fashion consistent with recognized standards of care.

Each PSRO shall also determine, in advance, that elective inpatient admissions or extended, costly out-patient courses of therapy meet the above criteria. Hospital admissions shall be approved for periods certain related to patient age and diagnosis; and recertification by the attending physician shall be necessary for extensions of the period initially approved.

Each PSRO shall be responsible for the development, maintenance and review of practitioner, patient, and provider service profiles.

Each PSRO is authorized to: utilize specialists as needed in the review process; undertake necessary professional inquiries; and examine pertinent records and sites of care.

Norms of health care services for various illnesses or health conditions

Sec. 1156. Each PSRO shall apply professionally-developed and published norms of care and treatment based upon patterns of practice in the region as principal points of evaluation and review in determining quality and medical necessity of services.

Where actual norms in an area differ significantly from regional norms, the PSRO can, with approval of the National Professional Standards Review Council, apply such norms in its geographic area. The National Review Council shall prepare and distribute to each PSRO appropriate materials concerning the regional and national norms to be utilized as initial checkpoints.

Submission of reports by professional standards review organizations

Sec. 1157. If a PSRO determines that a practitioner or provider has violated any obligation imposed by Sec. 1160, the PSRO shall transmit a report of findings and recommendation to the Secretary through the Statewide Professional Standards Review Council, which shall transmit the report and recommendations along with such comments as the Statewide Council deems appropriate.

Requirement of review approval as condition of payment of claims

Sec. 1158. Where a PSRO has reviewed and disapproved a proposed health care service, and has prior to the provision of such service, notified the practitioner and provider and the patient of the disapproval, no Federal funds appropriated under the Social Security Act shall be used for the payment of any claim for the provision of such disapproved services.

Notice to payor of disapproved claim

Sec. 1159. The PSRO, upon disapproval of a proposed service, shall promptly notify any claims payment agency concerned of such disapproval.

Obligation of Health Care Practitioner and Providers of Health Care Services—Sanctions and Penalties

Sec. 1160. It shall be the obligation of any health care practitioner or provider to assure that the services they provide, for which payment may be made under the Social Security Act will be provided: only when medically necessary; will meet recognized professional standards of health care; and in the case of in-patient services will be provided in the most economical facility consistent with professionally recognized health care standards.

If after reasonable notice and opportunity for discussion, a PSRO finds that a practitioner or provider has consistently failed to comply or has flagrantly failed to comply with his obligations, the PSRO may then recommend to the Secretary (and he may require) that such practitioners or providers pay a monetary penalty not to exceed $5,000 (as a condition of remaining eligible for program payments for his services) or the Secretary may temporarily or permanently exclude such practitioner or provider from the program.

Hearings and Review

Sec. 1161. Whenever a PSRO takes any action which denies approval of a proposed service, or indicates that a practitioner or provider has violated the obligations imposed upon him, the PSRO shall give notice to the practitioner or provider, and provide an appropriate opportunity for discussion and review.

Following such discussion and review any practitioner or provider who remains dissatisfied shall, upon request to the Secretary, be entitled to a hearing by the Secre-

tary. Within 30 days after hearing the Secretary shall make a final determination on the matter.

A practitioner or provider who is dissatisfied with this final determination may within 60 days appeal such determination to the courts.

Statewide Professional Standards Review Councils: Advisory groups to such Councils

Sec. 1162. In each State with two or more Professional Standards Review Organizations the Secretary shall appoint a Statewide Professional Standards Review Council consisting of one representative from each PSRO, two physicians designated by the State Medical Society and two physicians from the State selected by the Secretary as public representatives.

It shall be the function of each council to coordinate the activities of and disseminate data among the various PSROs and promptly to transmit to the Secretary reports and recommendations received from the PSROs.

The Secretary shall make payments to cover reasonable and necessary expenses.

Each Statewide Council shall be advised and assisted by an Advisory Group consisting of representatives of the various types of health care practitioners (other than physicians) and providers, providing covered health care services in a State which it shall select in accordance with regulations prescribed by the Secretary.

National Professional Standards Review Council

Sec. 1163. There shall be established a National Professional Standards Review Council consisting of eleven physicians appointed by the Secretary for three-year terms. A majority of the members of the Council shall consist of physicians of recognized standing and distinction in the appraisal of medical practice nominated by one or more national organizations representing practicing physicians. The Secretary shall provide such personnel and other assistance as may be necessary for the Council to carry out its functions.

The Council shall advise the Secretary in the administration of this part; distribute among Statewide Councils and PSROs pertinent information and data; review the operation of PSROs with a view to determining their comparative effectiveness and performance; and approve or disapprove requests of PSROs for usage of other than regional norms. The National Council shall, at least annually, submit to the Secretary and the Congress a report on its activities, and comparative data indicating the results of review activities in each State and area.

Application of this amendment to certain State programs receiving Federal financial assistance

Sec. 1164. Provisions of this amendment shall apply to the operation of any State plan approved under the maternal and Child Health, Medicaid, Intermediate Care, and any other health care or health care related programs.

Correlation of functions between Professional Standards Review Organizations and administrative instrumentalities

Sec. 1165. The Secretary shall by regulation provide for correlation and cooperation between carriers, intermediaries, government agencies and PSROs. Such cooperation shall include usage of existing mechanical and other data gathering capacity.

Prohibition against disclosure of information

Sec. 1166. Any information acquired by a PSRO in the discharge of its functions shall be held in confidence, except as may be necessary to carry out the purposes of this part or to assure adequate protection of the rights of patients, practitioners or providers. Disclosures of information other than for such authorized purposes shall be unlawful and shall upon conviction be punishable by a fine of up to $1,000 and imprisonment for up to 6 months.

Limitation on liability for persons providing information and for members and employees of PSROs

Sec. 1167. Persons providing information and members or employees of PSROs shall in general not be liable if such information were genuine, and if any actions taken are not motivated by malice. An action shall be deemed to be motivated by malice if the individual or PSRO has consistently failed impartially to take similar action in similar circumstances involving other persons or providers.

Federal ownership of files, records and material

Sec. 1168. All files, records and materials of a PSRO or a Statewide Council shall be the property of the United States.

Authorization for use of certain funds to administer the provisions of the part

Sec. 1169. Expenses incurred in the administration of this part shall be payable from the Hospital Insurance Trust Fund, the Supplementary Medical Trust Fund, and funds appropriated for other Titles of the Social Security Act in such proportion as the Secretary deems to be equitable.

Authorization of demonstration projects

Sec. 1170. The Secretary is authorized to enter into agreements (ending not later than 1975) with such number of PSROs as are necessary to permit a comparison of results where a PSRO assumes a financial risk for the payment of Medicare claims in contrast to areas where a PSRO does not assume financial risk.

Where a PSRO indicates a willingness and capacity to assume financial responsibility for the review and payment of all claims, reimbursement to such PSROs may be made on a capitation, prepayment, insured or related basis for renewable contract periods not exceeding one year. Such amounts may not exceed per capita beneficiary costs in the area concerned during the preceding 12-month period.

Where such agreements are negotiated provision shall be made for the PSRO to assume a risk by making payments for physicians' services at a rate not in excess of 80% of otherwise allowable amounts for such services.

Any sums remaining at the end of the agreement period shall be divided so that the Government receives 50% of the savings. The Government shall also receive amounts, if any, remaining after the PSROs have received the 20 percent or other risk factor withheld and an incentive payment not in excess of 25% of 100% of the physicians' allowable program charges during the agreement period.

Renewable agreements shall be at the base or initial year rate of payment adjusted for appropriate increases, if any, in the unit costs of covered services during the prior year.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 852

Mr. NELSON (for himself, Mr. MONDALE, Mr. HART, Mr. JAVITS, Mr. GRIFFIN, Mr. MCINTYRE, Mr. MUSKIE, Mr. PELL, Mr. PERCY, Mr. BAYH, Mr. CRANSTON, Mr. YOUNG of Ohio, Mr. TOWER, Mr. EAGLETON, Mr. CANNON, and Mr. MONTOYA) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 18127) making appropriations for public works for water, pollution control, power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—AMENDMENTS

AMENDMENT NO. 853

Mr. PROXMIRE (for himself, Mr. SCHWEIKER, Mr. YARBOROUGH, Mr. BROOKE, Mr. YOUNG of Ohio, Mr. EAGLETON, and Mr. GRAVEL) submitted amendments, intended to be proposed by them, jointly, 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 were ordered to lie on the table and to be printed.

(The remarks of Mr. PROXMIRE when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

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 Illinois (Mr. SMITH) be added as a cosponsor of amendment No. 844 to H.R. 17123, the military procurement authorization bill.

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

ADDITIONAL STATEMENTS OF SENATORS

DEATH OF FORMER SENATE CHAPLAIN, THE REVEREND DR. FREDERICK BROWN HARRIS

Mr. THURMOND. Mr. President, all of us in the Senate were saddened to learn of the death on Tuesday of the Reverend Dr. Frederick Brown Harris, Chaplain of the Senate for more than 24 years.

Dr. Harris served as Chaplain of the Senate until January 9, 1969, when our present Chaplain, the Reverend Dr. Edward L. R. Elson was elected by the Senate and assumed these duties.

Mr. President, no Member of the Senate who served here during Dr. Harris' tenure will ever forget this kind, gentle, saintly man. He was a daily inspiration to those of us who labor here. His prayers which opened the Senate each day were

inspiring and challenging. He constantly called upon us to heed the teachings of Jesus.

Dr. Harris was an eloquent and precise speaker. He was a storehouse of quotations, stories, and illustrations on religious teachings. While his voice is stilled, his words remain with us, and will provide a source of strength to all of us.

I feel a personal loss in his passing and hasten to extend my heartfelt sympathy to his dedicated and loyal wife, Helen, and to his two daughters, Mrs. Barbara Louise Marrs and Mrs. Constance Cole, who reside in the Washington area.

Mr. President, I ask unanimous consent that articles published in the Washington Post of August 19, 1970, and the Washington Daily News of August 19, 1970, on the death of Dr. Harris be printed in the RECORD.

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

[From the Washington Post, Aug. 19, 1970]

F. B. HARRIS, SENATE CHAPLAIN, DIES

The Rev. Dr. Frederick Brown Harris, chaplain of the Senate for 24 years, died yesterday after a heart attack at his home. He was 87.

Mr. Harris was elected Senate chaplain in 1942 and served until 1946 when he was succeeded by the late Rev. Peter Marshall.

In 1949, Mr. Harris replaced Mr. Marshall just as Marshall had replaced him. He retired as chaplain 20 years later.

Mr. Harris delivered a prayer every morning the Senate was in session. These prayers were recently collected in five volumes.

Once, Mr. Harris performed a wedding in the Caucus Room of the Senate Office Building. He married a 69-year-old Western Union messenger to a 60-year-old widow at a specially constructed altar.

Visiting ministers often asked their home state senators to ask Mr. Harris if they could substitute for him in delivering the daily invocation. The Senate chaplain usually agreed, but he once complained to the then majority leader, Lyndon B. Johnson, that in a matter of a few weeks he had been replaced 17 times.

"Now look here, Reverend," Johnson consoled, "if you ever want me to call a halt to this sort of thing, you let me know, and we'll just restrict the number of visiting preachers."

Mr. Harris did not remind Johnson that he already had two requests from the senator's office for permission for two Texas ministers to preach.

Born in Worcester, England, Mr. Harris came to the United States at an early age, making his first U.S. home in New Jersey.

He was graduated from Pennington Seminary in 1905, took a bachelor of arts degree from Drew Theological Seminary in 1912, and a doctor of divinity from Dickinson in 1923.

He organized and built the Greenwood Avenue Methodist Church in Trenton, N.J., moved from there to St. Luke's Church in Longbranch, N.J., and then to Grace Church in New York City.

Mr. Harris came to historic Foundry Methodist Church in Washington in 1924, retiring from the position in 1955.

He wrote a column called "Spires of the Spirit" which appeared in the Washington Evening Star and which was collected into a book.

He conducted funerals for President Herbert Hoover, Sen. Robert A. Taft and Gen. Douglas MacArthur.

Mr. Harris, who resided at 4000 Cathedral Ave. NW, is survived by two daughters, Mrs. Barbara Louise Marrs, of Kensington, and Mrs. Constance Cole, of Bethesda, and seven grandchildren.

[From the Washington Daily News, Aug. 19, 1970]

FREDERICK HARRIS, 87, CHAPLAIN OF THE SENATE

Services for the Rev. Frederick Brown Harris, 87, chaplain of the Senate for 24 years, who died yesterday after a heart attack, will be at 2 p.m. Friday at the Foundry Methodist Church, 1500 16th-st nw. He lived at 4000 Cathedral-av nw.

Mr. Harris was elected Senate Chaplain in 1942, and served until 1946 when he was succeeded by the late Rev. Peter Marshall. In 1949 Mr. Harris replaced Mr. Marshall.

He was born in Worcester, England, and came to the United States at an early age.

He wrote a column for the Washington Evening Star called "Spires of the Spirit", later collected in a book.

DISTRICT OF COLUMBIA NONVOTING DELEGATE BILL

Mr. KENNEDY. Mr. President, after consulting publicly and privately with leaders in District of Columbia affairs and with Members of the Senate, I have asked the majority leader to defer the Senate consideration of the District of Columbia nonvoting Delegate bill until after the Labor Day recess.

I believe that this brief delay will enhance the prospect of achieving full voting representation in Congress for the District of Columbia, and I am confident that it will not jeopardize the enactment of the nonvoting delegate bill in this Congress.

I fully support a nonvoting Delegate in Congress for the District of Columbia, and I commend the extraordinary success of Senator TYDINGS, Congressman NELSEN, and District leaders in bringing this goal within easy reach at last. I especially commend Mayor Washington, Sterling Tucker, David Carliner, and the other leaders of the District for the common bond of unity they formed in pressing the nonvoting Delegate issue to its successful passage by the House last week. the leaders have served the District well. There is no difference among us on our overall goal. The question that has risen is entirely one of timing and legislative strategy.

A number of Senators and District leaders with whom I have now conferred share my concern that the immediate passage of the nonvoting Delegate bill will diminish the very real opportunity we now have in this Congress to achieve our vastly more important goal of full voting representation for the District of Columbia—two voting Senators and two voting Congressmen. I intend to offer a constitutional amendment on the Senate floor in September to achieve this goal.

Already, however, sentiment is developing in Congress that the nonvoting Delegate bill is enough of an accomplishment for this session and this Congress. It is nothing of the sort. The nonvoting Delegate is not an end in itself. The very real value it has is as an interim measure, a half-way house to tide us over the brief period while a constitutional amendment for full voting representation is enacted by Congress and ratified by the States.

On Tuesday, September 8, when the Senate returns from the Labor Day recess, I hope to sit down again with Members of the Senate and leaders of the District of Columbia to plan final action on both the full voting representation amendment and the nonvoting Delegate bill. At that time, there will be ample opportunity for enactment of the Delegate bill, well before the congressional adjournment rush.

At that time also, the Senate schedule will be clear enough to know whether my District of Columbia full representation amendment can be brought to a vote early in September. Even if Senate consideration of the Direct-Election-of-the-President Amendment is delayed until later in September, it may well develop that the Equal Rights for Women Amendment will be amended by the Senate, and will, therefore, become an attractive alternative vehicle for the District of Columbia full representation amendment.

Full voting representation in Congress is an act of simple justice for the District of Columbia that is long overdue. For nearly a century, every effort to accomplish this goal has met with uniform frustration and defeat. Now, at last, we have a good chance of success, if only we keep our sights high, and do not relax our effort before the job is done.

I believe that the delay of 25 days I have requested is a very small price to pay for a better chance to achieve the higher goal we seek. Eight hundred thousand citizens of the Nation's Capital are denied the most basic right of all in a democratic society, the right of representative government, and it is long past time for Congress to end this injustice.

SENATOR MUSKIE ON THE POWER CRISIS

Mr. EAGLETON. Mr. President, the Senator from Maine (Mr. MUSKIE) delivered a significant and timely address to the American Bar Association in St. Louis on August 12 on the subject of our growing national electricity shortage crisis. He addressed himself particularly to the threats to the quality of our natural environment which are posed by the way we presently generate electricity.

Senator MUSKIE perceptively identified our shortcomings in dealing with these challenges—"an absence of planning, a lack of sense of community—and—a failure of common purpose" on the part of industry and Government at the local, State, and Federal levels. He outlined the inadequacies of the existing patchwork of local, State, and Federal responsibilities, and the absence of any overall policy to resolve the "avoidable conflict in values" between our needs for power and our concern for the environment.

Mr. President, when Mr. Nixon took office, he cast aside the results of major electric reliability studies and corrective legislation initiated by a Democratic administration in response to the giant 1965 Northeast blackout. In the intervening period of more than 18 months, rep-

resentatives of his administration have consistently opposed far-reaching legislation before the Congress which would establish a framework for achieving our dual objectives of serving our need for power and protecting our natural surroundings.

Senator MUSKIE pointed out the administration's abdication of its responsibilities to the American public on these important issues. He called attention to the fact that for 12 long months administration representatives have repeatedly promised an administration proposal to deal with these problems but have utterly failed to make good on their promises. I might note, Mr. President, that this is the administration headed by the same Mr. Nixon who harshly criticized the Congress recently for taking 6 months to responsibly and carefully consider the air pollution proposal he finally offered the Congress over 12 months after he took office.

In the face of the administration's neglect of these urgent problems, Senator MUSKIE issued a call for congressional action now to provide the tools to deal with them.

With the foresight and vision that is characteristic of him, Senator MUSKIE has introduced S. 2752, a bill which establishes a means for coordinating the activities of local, State, and Federal governments in dealing with these problems. It provides for a system of orderly and rational planning for the accomplishment of our dual objectives of adequate, reliable electricity supply and protection of the environment. Since these problems touch upon national, as well as regional interests, his proposal calls for action on a regional basis within the broader framework of national policies.

Mr. President, I want to commend Senator MUSKIE's proposal, S. 2752, to the Senate and respectfully suggest that it—and the subject matter with which it deals—deserve early and responsive action by the Senate.

It is a great pleasure to serve with Senator MUSKIE. I deeply appreciate his vigorous leadership and the deep sense of urgency which he attaches to solving our serious and increasingly urgent national power and environmental problems.

I ask unanimous consent that Senator MUSKIE's speech be printed in the RECORD.

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

REMARKS BY SENATOR EDMUND S. MUSKIE

I am delighted to be at your second general assembly and to participate in this unique discussion.

I congratulate the ABA that it saw fit to devote this assembly to so vital a subject.

Let me apologize in advance for being compelled to leave early. The ABM vote is coming up today and since Mr. and Mrs. Mitchell didn't make their plane available to me, I have chartered a plane to be back for the vote. I did try to convince Senator Mansfield that the *ABA* had priorities over the *ABM*, but I didn't win that petition.

At the first assembly you and the nation were privileged to hear the chief justice deliver a state of the judiciary address. It was a sober message and a call for reform.

Today this panel will be reporting on the state of life in the decade of the seventies. Here, too, the message is a sober one and the need for reform critical.

I have chosen for my topic one element of the quality of life-power. *Not establishment* power, although that *is* involved. *Not power for people,* although that is involved too. The power I refer to is the *raw power* of electric energy. And it is a pervasive power, affecting every aspect of our public and private life.

Its production—from nuclear or fossil fuels—is a pollution risk.

Its transmission lines and plants are an affront to the eyes of conservationists.

Its use is indispensable to a vast array of goods and services.

Its existence suggests one of the "clean" alternatives to the combustion engine.

It is the indispensable energy source for the mass transit systems so desperately needed in our cities.

It is, at one and the same time, an environmental hazard and one of the "cleaner" sources of energy.

It is a great and challenging environmental dilemma which is central to other similar dilemmas.

The automobile, the single greatest air polluter and a vital source of transportation to millions of our citizens in present circumstances.

Oil, the great actual and potential desecrator of oceans and shorelines and wild-life and whatever beauty it touches and the mover of nations in peace and war.

Nuclear energy, an environmental hazard of the first magnitude but "cleaner" than other forms, and the most likely source of the massive amounts of energy we need in our future.

These environmental dilemmas suggest that we may be in the process of consuming our very planet.

It is obvious that if such "mixed" blessings are to become less "mixed" from an environmental point of view, their use and application must be drastically modified.

We take electric power for granted. We use it to improve the quality of our life. We assume it will be there when we need it. And we assume that it is one of the benefits of our tremendous technological excellence.

But how reliable are those assumptions? Let me give you some signs and portents that have a chilling effect on this aspect of our quality of life.

Example 1—Recently there was a massive power failure in New York. It became the subject of jokes when a reporter observed that some nine months later there was an upsurge in births in New York City. But is it funny when there is a power failure in the hospitals where those births are taking place?

Example 2—Within these last months residents in our major cities were warned of blackouts and brownouts.

Example 3—For the past seven years Consolidated Edison has found no acceptable site for a new power plant to service New York City.

Example 4—Only several weeks ago, Consolidated Edison had to purchase and trade power with generating plants here and in Canada in order to keep New York City from blowing its fuse. And the supreme irony is that one of its sources was the Tennessee Valley Authority.

What does this mean? What do these examples portend? Let me tell you. Very simply:

They mean that we are in danger of massive electric power failures.

They mean that we are losing the race between the capacity of people to use electricity and the capacity of our nation to supply it.

They mean that electric power is one of the chief pollutants of our atmosphere.

They mean that power systems are in desperate need of new sites and can't find them.

They mean that our planning in this area is at such an immature stage as to approach a national scandal.

Few of us, I am sure, have focused on these problems, even in as sophisticated an audience as this one.

How has this happened, you ask? Hasn't the government, or someone, somebody, been looking after our interests?

The hard short answer is "no." And what I would like to do today is tell you *why* the answer is no and face up to the issues that need facing.

In a larger sense, our failure to cope with the twin and conflicting needs of massive electric power and clean environment is the result of a tool failure of another sort—the failure to fashion the tools needed to deal with a problem of such magnitude.

Governmentally, in this area we are at the stage of the first incandescent electric bulb.

Local and State governments, jealous of sovereign prerogatives, have failed to work out the regional plans and develop the regional sites needed both to provide for electrical expansion and to avoid environmental degradation.

And now the communities they guard so jealously are in serious danger of being damaged by the effects of pollution and power failures.

On the Federal level, the Federal Power Commission has long avoided facing up to the needs for a national power network. We know how to build and regulate broadcast networks, sports networks, merchandising networks, food distribution networks—but not a power network.

And now we end up having hundreds of thousands of kilowatts of power unable to reach New York in an emergency because the necessary transmission lines have not been built. Literally, no one is manning the switches that count the most. All too often we do not have the switches.

On the national level, too, we have not yet even developed an overall national power policy. No one—neither Government nor industry has really planned—or is yet planning—or is even in a position to start planning effectively for this decade.

Despite our numerous advisory bodies, commissions, studies, monographs, and reports, no national policy has emerged to set forth guidelines and directions.

Many persons at many levels of government have the power to say "No" to a specific power project—but no one has the clear authority to say "Yes" and make it stick.

From an overview, what we see here is an absence of planning, a lack of sense of community, a failure of common purpose. We see—

Advocates of clean air and water battle industry representatives:

1. Before public utility commissions which lack power to cross State lines,

2. Before city councils who don't know how to cope with the problem, and

3. In State and Federal courthouses with their inevitable delays and limited jurisdictions.

But no one of these institutions has any real mandate to try to balance the requirement of adequate power with that of a wholesome environment.

As long as this situation persists, the potential for paralysis and more serious pollution will spread far beyond the city limits of our major urban centers—not only in the summertime, but in every season of the year. And every aspect of our life will be affected.

Bear in mind that in the last 20 years, the national use of electric power has quadrupled:

That in the next 20 years, we will have to build at least 250 more plants to satisfy our estimated power needs.

That of these plants, more than 150 may have to be nuclear-powered, eventually surrounding every major body of water in this country.

That, no technology has yet been devised to keep today's electric power plants from releasing nitrogen oxide into the air—even nuclear-powered plants, in their present form are an inept substitute. For they pose the dangers of radiation leakage and thermal pollution of our rivers and streams.

That, we need money to support far greater research and to develop methods to limit and eliminate the polluting by-products of electric power plants.

That we need to explore entirely new methods for generating power, such as solar energy.

Given these hard facts, is it not obvious that we dare no longer tolerate a patchwork approach?

What is at stake is truly the quality of life. The need for more electric power is essential to economic growth which we badly need in and of itself . . . to modern requirements for rapid communications and more effective mass transit . . . and to the providing of homes, job opportunities, and leisure time activities to which more people are becoming accustomed, to which disadvantaged people aspire, and which they are not prepared to forego.

In an age increasingly concerned about air pollution, are we really prepared to do without air conditioning?

What, then, is the price that ought to be paid for protecting our environment and supplying our power? How do we serve both masters? How is the bill to be paid? And who is to pay it?

The questions are hard and unpleasant. And to an increasing extent, the answers are being sought in the courts—courts which are overburdened but which, nevertheless, have an overriding responsibility to preserve the opportunity for legal redress against public as well as private wrongs.

But we must recognize that the courts have been established more to resolve disputes than to formulate policy. And they cannot forever be the first or even the best answer to the fundamental problems of power and pollution.

Industry, unfortunately, has not stated *what* mechanism it would support to solve these problems. Industry has long avoided public discussion of its future needs and the location of new facilities. It has only been vocal with regard to what it opposes. And now that policy has resulted in public distrust of practically every proposal that industry offers.

And as I said, governments—local, State and Federal—have not performed much better.

That is why I (and others) have introduced legislation designed to coordinate the activities of local, State and Federal agencies *now*.

That is why we must develop a system of orderly and rational planning *now*.

That is why we must develop speedy administrative machinery *now*, where the processes are both speedy and due.

And that is why we must do this on a regional basis—tied to national policies—if we are to have a sufficiently broad resource and policy base to make informed and timely decisions on how best to supply the most power with the least effect on the environment.

I do not deny the possibility that the legislation I have proposed—Senate Bill 2752—may be susceptible to modification and improvement. There are other legislative proposals that have been introduced in the Congress, and the administration continues to promise—as it did last year and again this spring—that its legislative recommendations will be available shortly.

But the point is that we can no longer afford a casual and relaxed attitude about these problems which only grow more complex and difficult with the passage of time. . . . We must consider legislation to deal with these problems *now*. We are already running out of time.

Otherwise, the public outcry which *will* intensify with each power slowdown or failure may ultimately stampede Congress into enacting crisis legislation of the most stringent variety—legislation which might provide for Federal preemption of State and local governmental authority . . . for Federal control over industry-making . . . or for nationalization itself.

Bad cases, you all know, make bad law and bad crises, all too often make bad legislation.

Perhaps part of my function this morning is a lobbying effort. But it is also to enlist your talents.

As members of the bar, you undoubtedly possess the professional skills to help us fashion imaginative legislative solutions, and to design then new administrative procedures we so urgently require to solve these problems . . . and just as important, I believe you have the skills and understanding to advocate to your clients and your communities the need for *them* to reach decisions about these problems while *they* can still make a difference.

Just consider the influence you might exert on some of your clients. The electric power industry criticizes, for example, any proposal to lay underground transmission lines because they would cost too much under present technology . . . But the industry spends, in the aggregate, less than 2/10 of 1 percent of its annual revenues for all research. How persuasive you could be in making that point.

Most vital of all, however, we must *all* recognize that the problems of power and pollution are only a *single aspect* of the whole environmental challenge of this decade.

After all, what we are addressing ourselves to this morning is the future of people's lives . . . and the extent to which people can fulfill their potential in a decade threatened by overcrowding . . . crime . . . unwholesome air and water . . . and the failure not only of power plants but of social institutions as well.

And so, the environmental point of view in the 1970's must mean a comprehensive way of examining our lives. It must encompass not only the businessman worried about what a power failure may do to his business operations, but also the mother concerned with the tenement life and what it may do to her children . . . not only the people who care that the sky is clear during the day, but also the people who care that the streets are safe at night.

We are facing an *avoidable* conflict of values. The problem as each of you knows too well is not simple. But *we do know that* cheaper electricity at the cost of thermal pollution is not necessarily progress; that two car families at the cost of poisoned atmosphere is not necessarily progress.

All costs, private and social, must be counted and weighed.

It would be easy to declare that oceans should be fished and sailed, never drilled; that mountains should be viewed and walked upon . . . never mined—that all land should be dedicated to the preservation of wild life—never despoiled to build new towns, but man is also a part of the ecology.

To achieve the proper balance may be at one time both the most difficult and unavoidable task man has ever faced.

How we approach it, with what values, and with what commitments may determine the very liveability of this earth.

The need for electric power poses the challenge in its entirety, forcing us to recognize:

That technological innovation must now play an overriding role in any accommodation to our fragile environment;

That the scale of human activity on this globe is limited; limited by the finite capacity of the earth to absorb punishment and abuse.

That if we simply equate environmental quality with cleaning up pollution; occupying ourselves with the mess we have made, we shall fail.

That above all forceful judgments must be made immediately about what constitutes acceptable human behavior.

In short, the challenge of the seventies will require as much in the way of restraint as expenditure, the very limit of the lawyers' skill will be called in to play.

The challenge is as long as the list of human activity. We will have to decide what kind of power we can accept in an automobile. We must decide whether automobiles are to be permitted at all in major cities and if so, under what limitations.

We will have to decide what kind of products can be produced with what kind of packages. We may even have to distinguish between acceptable advertising based on necessity and wasteful product advertising appealing only to whims.

The list is inexhaustible but . . .

It should be obvious to us by now that the problems of the environment require more from us than a determination to clean up the mess we have created, although that determination is important. We must also—at this point in time—start thinking in terms of preventive law . . . to change the very habits which permitted us to abuse our environment in the first place. Our objective? To avoid the apocalypse which James Thurber once warned us about:

"Man is flying too fast for a world that is round. Soon he will catch up with himself, in a great rear-end collision and man will never know that what hit man from behind was man."

"THAT MAN NAMED H. ROE"

Mr. SYMINGTON. Mr. President, the stories told by and about H. Roe Bartle are legion in Kansas City. He is one of the most beloved citizens of our State.

Recently the Country Squire magazine published an engaging account of a reporter's encounters over the years with him.

Before placing the article in the RECORD, I am glad to update it by reporting that H. Roe Bartle is now out of the hospital and feeling much better.

I ask unanimous consent that the article entitled "That Man Named H. Roe," written by Tom Leathers, and published in the Country Squire magazine of July 9, 1970, be printed in the RECORD.

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

THAT MAN NAMED H. ROE

(By Tom Leathers)

To a 20-year-old reporter for The Kansas City Star, the huge man was an awe-inspiring sight. Not only because of his immense girth which he carried impressively wherever he went—but more important, the big one was H. Roe Bartle. And to anyone who grew up around here, Roe Bartle is as much Kansas City as the Liberty Memorial or Swope Park.

It was 1949 when I was first assigned by The Star to cover the Boy Scout Round-up at the Municipal Auditorium. It wasn't exactly the prime assignment for a reporter. Not only was it looked upon as sort of dull, but it also was difficult to cover—chiefly because of the confusion resulting from thousands of uniformed boys running every which way.

But Roe Bartle made it easy for me. He spotted my inexperience and quickly came to my rescue. Roe was Chief Scout Executive and, as such, he could have chosen a place that night in the spotlight of the Arena. But he chose to take a seat next to a young man who needed help. And help he did. Not once did he budge from his

seat during the two hours. In that booming voice filled with those beautiful Bartleisms he described each and every event. The way he told it, the Round-up was an exciting, thrilling and cherished experience for thousands of energetic, vigorous and dedicated young men. And before he was through, I believed it as much as he did.

Plenty of people can tell Roe Bartle stories. Some may start them with an off-the-cuff explanation that Bartle is a bag of wind—but before they get very far into the story, you'll see their eyes light up as they recount an act of kindness performed by the hulking man. After all, it really isn't the thing to love a man while he's alive. You're suppose to do that after he's dead. So much of the anecdotes people tell about his thoughtfulness are carefully camouflaged a bit with smiles and jokes—the same kind dished out so well by the man himself. But his love has touched many, many people, whether we're big enough to admit it or not.

Twenty years after that Boy Scout Round-up I visited him again as a reporter. It was 1969 and this time I was doing a story for *The Squire*. I felt like I was the only one 20 years older in the room. Roe Bartle hadn't changed. He had the same vigor, the same excitement for Kansas City that he had had that night in the Arena. We sat for three hours in his apartment on the Plaza, literally surrounded by memorabilia of his long service to the Boy Scouts and countless other organizations. His memory as usual was infallible. No detail had disappeared in the past. He could tell a story like it was happening right then and there, and with all the flourishes of a 100-piece brass band.

The interview took place on one of those rare days when he had been in town. Most of his time had been spent on speaking engagements in all parts of the country, speeches that netted him as much as $1,500 a time. And in each speech, he never forgot to talk about his beloved Kansas City.

Some say Roe Bartle likes money since unquestionably he's a millionaire. But those that really know admit that while Roe Bartle likes money, it's principally for what it can do to help others. For years, he's lived modestly, spending only a fraction of his earnings on himself and his family. Much of the rest has gone to charities, colleges and people who need it worse than Roe.

The other day I heard from him again. A low, raspy voice on the phone announced that "This is the Super Chief himself." He has been a patient at St. Luke's Hospital for more than two months, fighting off numerous set-backs to the amazement of a team of eight doctors.

Though his voice occasionally halted and broke for a moment, he recounted his operation as only he could do it. The doctors weren't able to give him the regular anesthetic so Roe was wide awake during the long, and undoubtedly painful experience.

"I talked to the surgeon the whole time he was carving," Roe explained. And then repeated word-for-word some of his choicest comments during those crucial times.

Then, he got his nurse on the phone to say hello.

"Do you remember that mean, old nurse at Camp Osceola when you were a Boy Scout?" he asked. "Well, she's still helping me out."

As she talked for a moment, you knew she was used to the Bartle humor—in fact, like most of us, she looked forward to it.

Then, it was time to say goodbye. Once more he lamented that he could have no visitors, something more painful to him than the operation itself.

"I'm lucky to be surrounded by people who will go the extra mile," he said. "And you can tell people I haven't fired the staff or reorganized the hospital like people expected me to do."

And then he added:

"God love you and take care of your family."

That night I was driving downtown, past the Bartle apartment and then on down the Southwest Trafficway. And I though that if Kansas City really wanted to thank its number one citizen it could name the trafficway in his honor. Bartle Trafficway would be a fitting gesture to a man who's worked so hard to keep Kansas City moving . . .

And if they're going to do it, they might as well get on with it now as later. Roe often likes to joke about his doctors who he says have been trying to bury him for years.

"But instead, I've buried all of them," he says.

Chances are that right now he's preparing for his escape from St. Luke's and his next trip to some speaking date. Like the Liberty Memorial, the Kansas City Chiefs, and the Boy Scouts, there will always be a Roe Bartle . . .

J. MARK TRICE

Mr. GOLDWATER. Mr. President, early in January 1953, a very frightened and somewhat timid desert rat landed in Washington, feeling as out of place as anyone possibly could. I had not been in my hotel room 15 minutes when the phone rang and the voice at the other end said, "This is Mark Trice," and I wondered then who that could be.

He immediately told me that he was Secretary of the Senate and his interest that morning was in helping me to get started. He came to me like a life ring comes to a drowning man, and I eagerly trotted over to his office and told him of my abysmal ignorance of everything connected with the job. He sat with me for several hours, explaining the functioning of the Senate, its committees, how I would be assigned my different committees, and what was expected of me as a freshman Senator.

Later he arranged my first press conference and supervised it in a way that a mother eagle would watch her fledgling birds to make sure they did not get hurt. I have never forgotten the great warmth and sincerity of this fine man. He went out of his way to help a freshman Senator from a far off small State. Through the years since, I have enjoyed more and more not only his friendship but also the friendship of his beautiful wife, Peggy, and his family.

It is difficult for me today to look at him and believe that such a young looking person could have been in this city and in the Government for 50 years. I know some men to have been here 2 years and they look 110 years old; but Mark long ago solved the problem of worry, and it is reflected not only in his youthful appearance but also in the extremely efficient way he gets the job done. He is an irreplaceable asset, not just to the Republican Party, but to the entire Senate and our Government, and, while I will not go so far as some of my colleagues in wishing him another 50 years, I certainly hope he is around for many years to come.

DEVELOPMENT OF A NEW HELICOPTER TO REPLACE THE "CHEYENNE"

Mr. McINTYRE. Mr. President, the Armed Forces Journal of August 17 contains an article about a new helicopter being developed for the Army as a replacement for the Cheyenne. The Armed Services Committee has recommended a termination of the Cheyenne program.

According to the article, prototypes of the new helicopter are being developed by Sikorsky with company I.R. & D. funds. The new gunship is expected to approach the Cheyenne's specs, yet to be available at less than one-fifth the Cheyenne's cost, $675,000 to $775,000 per copy as opposed to almost $4 million per copy for the Cheyenne.

I have not yet had an opportunity to verify the facts contained in the article. Nor am I fully persuaded as yet that a new attack helicopter is needed by the Army. If the facts are true, however, and if a new helicopter should be required soon, it would be ironic if the company which lost out on the Cheyenne contract itself due to Lockheed's buy-in tactics were to be the winner in the end.

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:

SIKORSKY TO FLY AH-3 PROTOTYPE IN FOUR TO SIX WEEKS

(By Brooke Nihart)

Company-funded prototype of an AH-3 alternative to the Army's AH-56 Cheyenne gunship program will be flown by Sikorsky within the next few weeks, The Journal has learned from Pentagon sources. Sikorsky recently gave the Army an unsolicited revised proposal for the armed SH-3 derivative.

Sikorsky's move is reminiscent of Bell's successful effort late in 1965 to prototype its AH-1G Cobra gunship as an "interim" AAFSS.

Capitol Hill observers say the future of Sikorsky's proposal looks a lot brighter in light of Senator Thomas P. McIntyre's (D-NH) attack against continuation of Lockheed's work on the Cheyenne. Among McIntyre's charges is that "Lockheed bid in low to get the contract, expecting to later recover any additional costs incurred." Lockheed's bid, said McIntyre, "despite the fact it had never built a helicopter—was only $77-million, as compared with Sikorsky's $114-million." Charging also excessive cost growth, McIntyre said: "The unit cost of the Cheyenne has increased from a preliminary planning estimate of about $1-million to an admitted present estimate of almost $4 million.

The company's first proposal, submitted 12 August 1969, was reported in The Journal (22 Nov.). Sikorsky's latest proposal, delivered to the Army last month, breaks down the developmental work incrementally to meet new DoD milestone contracting procedures and lower budget funding levels.

The AH-3 will use dynamic components—rotors, gearboxes, shafting engines—of the Navy's SH-3 and add them to a new cockpit and streamlined fuselage containing armament and fire control equipment. The new configuration, Sikorsky believes, would meet most of the Army's AAFSS (Armed Aerial Fire Support System) or AH-56 Cheyenne gunship requirements. (As noted previously [Journal 25 April], the Air Force has in the past attempted to lay claim to the AH-56 for its own on grounds it is a "convertiplane"—a compound [winged] helicopter—which the AH-3 is not.)

Sikorsky officials queried about the prototype were tight-lipped and would neither confirm nor deny Pentagon reports that such a project is underway or that the AH-3 will soon be rolled out and flown

Characteristics of the proposed AH-3 were believed to be as follows:

Speed—dive 200kn, cruise clean 180kn, cruise with armament 172kn.

Rate of climb—1480fpm on one engine.

Hover ceiling (95° out-of-ground effect) 4,000 feet at 17,290 pounds gross weight.

Armament—XM–140 30mm cannon, XM26 airborne TOW missile system, XM159 2.75 rocket launcher.

Cost—$675–775,000 plus GFE (government furnished equipment).

THE DISABLED AMERICAN VETERAN

Mr. DOLE. Mr. President, on August 17, Mr. Harold Russell, Chairman of the President's Committee on Employment of the Handicapped, spoke before the national convention of the Veterans of Foreign Wars in Miami Beach, Fla. Mr. Russell's remarks concern the important role played by the VFW in meeting the needs of the disabled veteran who has given so much for his country.

Mr. Russell commends the progress that has been made in fulfilling the needs of these men, but points out that much more remains to be done in order to assure every opportunity to all disabled veterans. Improved medical care, rehabilitation counseling, training, education, employment, and the elimination of architectural and transportation barriers are vital to the realization of full opportunity for every disabled veteran, and all handicapped Americans.

I invite the attention of the Senate to Mr. Russell's remarks and ask unanimous consent that they be printed in the RECORD.

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

REMARKS BY HAROLD RUSSELL, CHAIRMAN, THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED, BEFORE THE NATIONAL CONVENTION OF THE VETERANS OF FOREIGN WARS, MIAMI BEACH, FLA., AUGUST 17, 1970

It was a very different world when the Veterans of Foreign Wars was "born" in 1900. It is a far better world today for the American veteran thanks to the leadership and dedicated effort of the VFW.

Seventy years of progress for the veteran is a proud occasion for our Nation. I am personally pleased and honored to be with you today to share in the celebration.

It is a great privilege for me to present your Commander-in-Chief Ray Gallagher, on behalf of the President of the United States a special award from the President's Committee on Employment of the Handicapped.

But, before I present the award, I'd like to make a few comments about what has happened to the veteran, specifically the disabled veteran, in seventy years of VFW leadership.

Frankly, there are no figures following the Spanish-American War. We do know that a staggering percentage of those seriously wounded in World War I died immediately after receiving their wounds. This is not, as you know, the case in Vietnam.

In 1921, the first year for which figures are available, 523 handicaped Americans were rehabilitated under the infant Federal-State Vocational Rehabilitation Program. Last year, 241,390 handicapped men and women were successfully rehabilitated under the same program.

At the beginning of World War II, in 1941, 38,000 handicapped men and women were placed in jobs by the Federal-State Public Employment Service. In Fiscal Year 1969, 324,600 disabled workers were placed by these offices.

The Federal Government alone has hired over 250,000 handicapped workers in the past 20 years; the Veterans Administration has rehabilitated 700,000 disabled veterans in the past 20 years; 6 million handicapped workers have been placed in jobs by the Public Employment Service in the past 20 years of which a large percentage have been disabled veterans.

That's real progress for the handicapped. And, it's groups like the Veterans of Foreign Wars that have led the country in committing the needed resources to make this progress—particularly for the disabled veteran.

The latest indication of VFW leadership has been its splendid "Project Alarm" which has focused public attention—and concern—on the conditions in VA hospitals. Today, thanks largely to this effort, Congress and the Administration are aware that VA hospital system needs help and are actively seeking ways to provide that help.

In the past 23 years, the President's Committee has been proud to help make the dream of opportunity for all the handicapped a reality. Our Nation has made great strides in this effort, but much more remains to be done.

The 275,000 wounded veterans returning from Indo China need our support. We must redouble our efforts to open opportunities for these fine men who have given so much for their country. Many of them will need to be retrained as they will be unable to go back to the jobs they held before the service because of their disability. Many have set their sights higher than they had before becoming disabled, and want further education. But in this vast land of ours, only a handful of colleges and universities are *fully* accessible to the severely physically disabled. And barriers are by no means limited to college campuses. There are architectural barriers barring the severely disabled from public and private buildings from coast to coast. And there are transportation barriers which prevent the severely disabled from being able to afford getting to a job.

The older, disabled veterans of World War II and Korea are confronting new job obstacles because of age and outmoded skills. They need the energetic support of your members who are employers.

And—most certainly—your full support is required to assure the disabled veteran that his rehabilitation *will* lead to successful employment and *will not* be obstructed by insurance barriers.

In too many cases, employer recognition of the desirability of hiring disabled veterans is overshadowed by the knowledge that if a disabled veteran does have a job-connected accident, workmen's compensation costs may be higher than if the same accident involved a nonhandicapped worker.

I don't think I have to tell some of you older disabled veterans what this insurance barrier is like. You and I know that workmen's compensation in the United States has been—and continues to be—a major roadblock to the rehabilitation and employment of disabled veterans.

In thirty of the States, second injury laws do not properly protect employers who would like to employ disabled veterans. In four other States, employers have no protection whatsoever.

We are trying—constantly and energetically—to get these States to improve their workmen's compensation laws so as to give employers parity of risk if they hire disabled veterans. In this, we need your help.

In addition, we are exploring the possibilities of a one-step national solution to the insurance problem of disabled veterans. We would like to see a Federal second injury program which would reimburse employers for workmen's compensation costs in the case of service-connected disabled veterans.

This is specifically where we need your full support. We have asked for consideration of a Resolution at this convention requesting the Secretary of Labor to seek Congressional authorization and an appropriation to reimburse the Nation's employers for excess insurance costs if their disabled veteran employees suffer on-the-job accidents.

It is my sincere hope that you will give this Resoltuion your most serious attention.

VFW leadership can—and does—make the difference. Your leadership in supporting efforts to more effectively rehabilitate and train disabled veterans through VA hospitals is a tribute to your Rehabilitation Commission and its dedicated Director, Norman Jones, who represents VFW on our Executive Committee.

As a veteran, and a disabled one at that it gives me personal pleasure and satisfaction to present to the Commander-in-Chief of the Veterans of Foreign Wars the following award which reads

"The President's Committee on Employment of the Handicapped Salutes The Veterans of Foreign Wars of the United States on its Seventieth Anniversary and Expresses Appreciation for its:

Seventy Years of Concern for and Active Support of Rehabilitation and Employment of Disabled Veterans.

Active and devoted participation in the programs of the President's Committee and Governors' Committee on Employment of the Handicapped;

Outstanding Awards and Public Information Programs which have greatly advanced the rehabilitation and employment of America's handicapped;

Continuing cooperation in support of the President's Committee's goal of full opportunity for every handicapped American.

BILLBOARD REMOVAL

Mr. MOSS. Mr. President, unquestionably one of the most effective one-man lobbies at work in Washington today is Douglas T. Snarr, the young and aggressive Utah billboard owner who is trying to make Congress show that it meant what it said when it passed the Highway Beautification Act of 1965 and decreed that billboards should be removed from rural sections of the Interstate and primary highway systems.

As we all know, the 1965 act has never been implemented; Washington bureaucracy has never come up with regulations that are either workable or within budget limits.

But Doug Snarr has a plan which is both practical and workable. It would not cost much, would cut quickly through the redtape, and would bring results within a relatively short time after it was put into effect. I was sold on the Snarr plan as soon as it was explained to me, and I introduced a bill which the Senate has now passed to put it into effect. The House of Representatives has taken no action, although it has had the bill for more than 9 months.

In today's Washington Post, Colman McCarthy has written an excellent column on Doug Snarr and his plan. I ask unanimous consent that it be printed in the RECORD. I commend it particularly to our colleagues in the House.

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

BILLBOARDS AND EYE POLLUTION

(By Colman McCarthy)

Douglas T. Snarr, 35, a Utah billboard owner, supporter of Goldwater in 1964 and Richard Nixon in 1968, a former Mormon

missionary in Ireland, is currently a one-man lobby to get the government to obey its own law. He realizes that may be asking a lot, but the law he wants obeyed is the 1965 Highway Beautification Act. "It involves pollution and saving the earth," says Snarr, "and if the public can't get action on that issue now, it never will."

The 1965 act ordered all billboards removed by July 1, 1970 from rural sections of the interstate and primary highway systems. This involved some 800,000 signs bordering 235,000 miles of roadway; the billboards are still up—despite its illegality—and have a fair chance of staying up. Because this issue comes when the public is highly sensitive to saving the environment and rural billboards are clearly anti-environment, the dispute is in many ways a test case.

Three sides are feverishly at work: Snarr, the Department of Transportation and the Minnesota Mining and Manufacturing Co. The moves of each are part of a rising curve of activity that remains calm until questions of law and money are raised.

Douglas Snarr wants the billboards down for two reasons. First, he has a simple faith in the law, born from his big sky, open-country heritage of the west. The second reason is dollars. The Highway Beautification Act provided just compensation to sign owners for their potentially illegal signs. This would pay back the bill board owners for money they invested in good faith before the law became pro-beauty. "For me," says Snarr, "with 1300 signs in 13 states, this means an original investment of $3 million. I don't want every last cent of that back. I only want a fair settlement so I can start another business."

Three years ago, Snarr, on seeing the government's fumbling and often do-nothing efforts regarding billboard removal, devised a plan. Basically, it was a lost-cost, speedy, non-red-tape approach by which the signs would be removed company by company by the owners themselves, expense free. In turn, each would be paid by the federal and state governments, in 75 and 25 per cent shares. Previously, the states, in partnership with the U.S. Bureau of Roads, were empowered to remove the signs—one by one, week by week, century by century. Since five years have passed without the first sign's getting the ax, only light year numbers are accurate in guessing when sign 800,000 would come down.

Snarr, with Utah officials won over to his plan two years ago, came to Washington. After 37 trips back and forth—and with his wife and children now holed up in a one-room apartment with sleeping bags—Snarr has had the ear of Transportation Secretary John Volpe. Surprisingly, Volpe, once viewed as a lay-on-the-asphalt man, is now actively working for highway environment and has endorsed the Snarr plan.

In an unusual move, Volpe recently sent his department's general counsel—James Washington Jr., a former dean of Howard University law school—to interview billboard owners in several Western states. He discovered that the smaller firms were sinking fast. Even worse, the beautification act mocked its original intention, because now the billboards were often unable to be either removed or maintained; so they rotted, peeled, swayed and they made the eye sorer than ever.

Washington discovered other curious facts. First, contrasted with the small owners—who were now technically in an illegal business and thus could get no financing from banks—the large companies were often doing better than ever. They could afford to buy up the signs and sign leases of ailing small firms, gambling that since the law was not enforced for the previous five years, it would not be suddenly enforced now. Second, the large companies leased land for future signs where the highways were yet to be built. Finally, and most frightening to many who value scenery, the large companies erected signs 661 feet off the highway. That distance was chosen because the 1965 act forbids signs up to 660 feet. "Obeying" the law, the companies went a foot beyond, building jumbo billboards four times the normal size, making them visible without binoculars which the companies shrewdly realized most motorists wouldn't use as they whizzed by.

With this information from his general counsel, plus advice from Snarr, Volpe is now vigorously pushing an amendment to the beautification act. With money from the highway trust fund—$50 million annually—the Volpe amendment would allow the billboard companies to move their signs within six years, fairly paid. The jumbo boards beyond 660 feet would also be outlawed, as well as the existing ones. Thus, Volpe is after a total clean-up.

The largest of the billboard companies that the Department of Transportation describes as visual polluters and resistant to the Volpe amendment is Minnesota Mining and Manufacturing Co., which owns 38,000 signs through its subsidiary National Advertising Co. 3M markets such items as scotch tape, cameras, recorders and a powerful reflective fabric, Scotchlite—used on nearly all of the 800,000 illegal signs. Last April the board chairman of 3M, Bert Cross, was appointed head of the Nixon administration's National Industrial Pollution Control Council, a group meant to advise the government on how industry can obey the law and improve the environment.

As an alternative to the billboard section of the beautification act, 3M proposes what it calls the "federal scenic area law" that "would permit a reasonable number of rural signs to survive." A 3M spokesman, in discussing his company's position, stated that billboards were actually good for the country. "Let's say you get rid of all these signs," said John J. Verstraete. "What do you do about informing and instructing the public? Ninety per cent of our signs are a direct aid to the motorist while he is a motorist. How is a guy going to find out where he can get a tire fixed, where he can get gas, where he can sleep for the night? You take those billboards down and he won't know where he's at . . . It's a safety hazard not to have billboards."

Staff men to Secretary Volpe know they are in a battle with 3M, a powerful company. "Their proposal," said a Volpe aide, "doesn't solve the problem. It's a cosmetic tampering that will leave signs on the highway." Another DOT official added: "I'm not accusing 3M of anything, but let's just say that in this matter their hands don't seem to be clean."

An early ally in the fight to obey the beautification law was Sen. Frank Moss of Utah. Much of what the DOT is proposing was originally in the Moss bill that asked for quick billboard removal and compensation. Sen. Moss has also seen the lobbying efforts of 3M. "They have used every sort of device to delay. It's economic with them, an opportunity to profit."

None of the three sides in this dispute—nor the fourth side, the public—has any idea of its eventual outcome. As usual, legislation is needed, plus money. Crucial to a decision is the House subcommittee on roads, chaired by Rep. John C. Kluczynski. It meets in mid-September to write a law.

While the politicians listen to lobbyists, argue among themselves and mosey to a decision, a few scenery-loving citizens are enforcing the law in their own way. In Fort Collins, Colo., where purple-hazed foothills rise into the distant Rockies eight billboards were found flattened one morning. Douglas Snarr didn't saw them down because he was in Washington. But it was likely some citizens who agree with him. The trouble is, they are a little less patient than he. They can't wait to see the far country again with nothing in the way but antelope and deer.

4–H CLUB WORK IN HAWAII

Mr. FONG. Mr. President, during this week, August 17 through August 22, the University of Hawaii Agricultural Extension Service is holding on its campus the 30th Annual 4–H State Conference, called the Ahaoleo—Get Together.

On this occasion, I wish to congratulate Hawaii's 4–H clubs and to commend the 4–H State leader, Mr. James Shigeta, and his staff for the excellent work they have done.

Because of the accomplishments of the 4–H clubs, their constructive youth program, their significant contribution to the development of citizenship and to the agricultural economy, the story of Hawaii 4–H clubs deserves recognition.

The first 4–H club began in Haiku, Maui, in 1918 as a club to raise prize pigs. It had 31 members. This was only 4 years after the enactment of the Smith-Lever Act—1914—which authorized the Federal Cooperative Agricultural Extension Service to work with the State land-grant colleges and universities, and under which 4–H clubs were organized on the continental United States. This was during World War I, when the Nation adopted the slogan, "Food Will Win the War," encouraging people to produce more food—to produce "two blades of grass when one grew."

Although the then territory of Hawaii was not included under the Smith-Lever Act, agricultural research and extension work was nevertheless carried on by the Federal Agricultural Experiment Station in Hawai. This included the organization of 4–H clubs on the islands. The first Haiku 4–H club was organized by the late Dr. Frederick G. Krauss, then a staff member of the Federal Experiment Station, and subsequently professor of agriculture and director of the Agricultural Extension Service, University of Hawaii.

Another pioneer was Miss Mabel Greene, also a member of the Federal Experiment Station, who was placed in charge of 4–H club work in 1923 for the then territory of Hawaii. By 1925, 4–H was a going club program on Oahu, Maui, and on the Island of Hawaii; it was extended to Kauai in 1926.

In 1928, at the request of the legislature of the territory of Hawaii, Congress amended the Smith-Lever Act to include Hawaii as a full-fledged participant in the Federal Agricultural Extension Service, a cooperative program with the State's land-grant university. Upon the enactment of the amendment, Dr. David L. Crawford, then president of the University of Hawaii, inaugurated on September 1, 1928, the Federal Agricultural Extension Service as a part of the university's program.

Soon thereafter, Dr. William A. Lloyd, U.S. Department of Agriculture, who was in charge of the Federal Agricultural Extension Service for the then 11 Western States, arrived in Hawaii to help organize its new Agricultural Extension Service. The Hawaii 4–H Club is now in its 42d year of existence.

County extension agents and home demonstration agents organized 4–H

Clubs throughout rural Hawaii with local community leaders in charge. Clubs held meetings once or twice a month, carrying out farm projects in poultry raising, home gardening, and home orcharding, under the guidance of the county agents, and home demonstration projects in food preparation and clothing, under the guidance of home agents.

From the modest beginning of 31 members and one simple pig-raising project, the 4–H Clubs have expanded dramatically in projects and membership. Today, about 14,000 members are either enrolled or participating in about 35 different projects. They are engaged in a number of constructive urban as well as rural endeavors. Boys study livestock, community beautification, soil conservation, career exploration, among other projects. Girls learn to bake pies, to sew their own dresses, to groom themselves, and to prepare nutritious and well-balanced meals, among other projects.

Though the traditional role of 4–H relating to agriculture and home economics in rural areas is still important, in recent years 4–H has kept pace with changing needs and demands by entering into urban areas. It now gives out-of-school experience to city youths in automobile repairs, electricity, planting trees, and so forth. The real-life focus of 4–H programs is fitting the needs of urban youngsters.

Again, the 4–H program is flexible enough to allow participation in international experiences. For the past 20 years, Hawaii's 4–H clubs have cooperated with the international farm youth exchange program of the National 4–H Club Foundation, receiving mainland U.S. trainees who are en route to Asia, as well as Asian trainees who are en route to the United States. This is an exchange and training program which offers an opportunity to young farmers and homemakers—20 to 30 years of age—to go to a foreign country for a period of 3 to 6 months, to live and work in rural youth programs.

Under this exchange program, Hawaii has sent six IFYE delegates to England, Mexico, Nepal, Turkey, Japan, and India. The Hawaii 4–H has given assistance to the 4–H teen caravan program sponsored by the National 4–H Club Foundation in behalf of the Agricultural Extension Service of the State land-grant universities, and has participated in two caravans—one to Japan and the other to Spain. This is a summer exchange program for older 4–H Club members—17 to 20 years of age—to go to a foreign country and live in the homes of counterpart 4–H members.

Hawaii has been exchanging 4–H members with the British Columbia 4–H department for the past 3 years.

To date, 173 delegates attended the National 4–H Congress in Chicago; 81 delegates, the National 4–H Conference in Washington, D.C.; five delegates, the 4–H Leaders Citizenship Training Forum at the National 4–H Club Foundation, Washington, D.C.; 59 volunteer leaders, the Western Regional 4–H Leader Forum which is held on a rotation basis among the 13 Western States, and two delegates representing the United States attended the Canadian National 4–H Club Week, Toronto, Canada.

At the annual Hawaii State 4–H Conference—Ahaolelo—delegates from American Samoa and Guam have attended in the past. At my request, this year for the first time, two delegates, a boy and a girl, from Okinawa attended the conference. The Department of the Army and the University of Hawaii 4–H department fully cooperated to bring the two 4–H youngsters from distant Okinawa.

The 4–H remains today a means and a process by which the character of youth is strengthened through habits of thrift, self-reliance, self-help, industry, and cooperation. Through guidance, demonstrations, and public speaking, leadership is stressed and good citizenship is taught. Through projects, a sense of responsibility and a desire for achievement are encouraged.

The 4–H challenge is, "To Make the Best Better." The four H's, incidentally, stand for "head" for clear thinking, "heart" for greater loyalty, "hands" for larger service, and "health" for better living for the club, community, and country.

This is the story of Hawaii 4–H club work which tells briefly the vital role the 4–H is playing in building our young boys and girls into useful and responsible citizens, as well as in getting them actively involved in meaningful international relationships. At a time when a tiny minority of errant youths occupy the spotlight it is all the more necessary to pay tribute to the millions of American young men and women who are busily engaged in the constructive endeavors of the 4–H clubs.

FUNDS TO ACT NOW ON POLLUTION

Mr. HART. Mr. President, in his recent message to Congress, the President of the United States warned:

> We face the prospect of ecological disaster.

The President went on to say:

> There are still large gaps in our environmental knowledge, but a great deal of what needs to be done can be identified. Much of this already has begun, and much more can be started quickly if we act now.

I agree both with the expression of urgency and with the call to action.

The President made these comments in connection with the first annual report of the Council on Environmental Quality and went on to urge congressional action on a series of legislative recommendations.

Congress is considering those proposals, and will act on those it thinks valuable in the fight against pollution.

But I was disappointed to find no recommendation dealing with one antipollution measure already on the books, a measure which if enforced could enable the administration to act with the urgency the President asks of the Nation and of Congress.

I refer to the Refuse Act of 1899.

The act establishes criminal penalties for dumping waste into navigable waters without a permit from the Corps of Engineers.

When written it was intended to prevent sediment from clogging up ship channels.

However, the language of the act is well suited to the fight against pollution. As a matter of fact, the administration has on a few occasions used the act to move against polluters, most recently in connection with reports of mercury pollution..

Yet corps officials told the Senate Subcommittee on Energy, Natural Resources and the Environment, that the present budget contained no funds to enforce this act as an effective antipollution weapon and that no funds would be requested until next fiscal year.

Apparently, the main reason the corps was not asking enforcement funds was budgetary restraints.

Mr. President, here is a clear example of what many of us mean when we say our spending priorities are out of whack.

The administration warns of a dire environmental crisis and warns that we must act quickly if we are to avoid disaster.

Yet when it comes to providing funds to enforce a law which could stop present and prevent future poisoning of our waters, the administration begs off until next year.

How does that position square with the urgent call to action?

Following our hearings, the corps said it could use $4 million to begin full-scale enforcement of the act this year.

I have written the Senator from Louisiana (Mr. ELLENDER), the able chairman of the Appropriations Subcommittee on Public Works, urging the inclusion of $4 million for this purpose in the public works appropriations bill now before his subcommittee.

I hope for and seek the support of the administration in this request.

If Congress provides the money and the administration spends it, then the Federal Government will have indeed moved with a sense of urgency against pollution.

If we do not, we can only expect renewed criticism from those who point to the gap between the rhetoric of the Nation's leaders and the reality of their actions.

THE CHICAGO MARKET

Mr. PERCY. Mr. President, in volume 34 of Markets of America, Mr. Louis Goldblatt, president of Goldblatt Bros., Inc., has written an article detailing the economic strength of Chicago and the qualities that make Chicago a unique and vibrant city.

Mr. Goldblatt has participated actively in the life of the city for many years and is a noted philanthropist in Chicago.

I think this profile of Chicago is of general interest and ask unanimous consent that it be printed in the RECORD.

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

MACKEREL—AND CHICAGO LIKE IT REALLY IS

(By Louis Goldblatt)

Mackerel must swim constantly to stay alive. If they stop swimming they sink to the bottom and die. That is a fact . . . not a

statistical fact, but one way of telling you about the Chicago market.

The statistically based facts are—as you'd expect them to be, outstanding . . . extraordinary. After all, it is Chicago . . . and Chicago didn't "just happen". I leave statistics to later, and at all will hopefully offer both the ones you didn't expect even for Chicago . . . and those to update its spectacular market image.

CHICAGO IS "DIFFERENT"

I want to measure Chicago's character for you, its real differences from other great cities as a greater market. Firstly, it's a city with an economy that is healthy, wealthy and wise because . . . of its work force of about four million people there is no one particular industry or business that controls its economy.

Thirty percent are employed in manufacturing; about eighteen percent in wholesale and retail trade; thirty-five percent in services . . . and the remainder in a wide variety including government. That is sensible and amounts to a claim to fame that the other "advertisers" can't make . . . like New York, Detroit, or Los Angeles.

What is there really about the 8,000,000 people of the Chicago Metropolitan Area . . . that has built a city ideal for manufacturing and business locations, better servicing the created demand for goods . . . not to omit economical distribution . . . all under most favorable operational conditions? After all, you advertisers and manufacturers just as we, tap a "people-market" too in seeking to increase product sales.

The answer is "growth" . . . and growth stems from a natural power that forms within some men like a tornado. Chicago has more than its fair share of those men. They are more than just mackerel; merely existing is never their concern . . . it's empire building! The abundance of such extra-endowed men that continuously reseed the markets for growth of their "piece" of the trading area, provided a thrust so great as to force a main stream . . . and so much of the rest is caught up in that main stream.

AWARE AND AGGRESSIVE

What about those who cannot be empire builders; are they different too? In an important way they are.

It has been said that Chicago is a city of villages; that it therefore has not one heart, but many. Clearly, this compounds civic interest, and clarifies the affairs of a man and his family. Often his neighborhood is of clannish nationality and a pillar of religious strength, providing contentment that grows from this and the preservation of his culture. (The tendency of people to cluster with others of their own background holds true in the suburbs too.) It's a form of security . . . and has a way of heightening his interest in a new plant, or in his industry rising toward Number One output. He seems more "aware" of his Chicago business community, and is more aggressive too.

We have the best of what is big (Chicago); and the best of every part (the neighborhood and community) . . . and everything grows together. It's both . . . a breed that grows out here and builds a city, and a city that makes a breed grow.

Let's look at growth . . . signs of increasing product sales. In almost every one of the neighborhoods, and certainly in every suburb, there are many manufacturing plants, shopping centers and other evidences of a great, vital and expanding market. Despite the remarkable growth of the suburb areas, Chicago's largest and most famous shopping market still is the Loop . . . a thirty-five block area containing the city's biggest stores and many of its most important businesses.

CLUSTER OF DEPARTMENT STORES

On just one street . . . that great street, State Street . . . within only 5 blocks, the aggregated major department stores represented (Carson's, Field's, Goldblatt's, Sears, Ward's, Wieboldt's), create the world's most concentrated shopping area. Your product growth in sales . . . the expanding market . . . lies not only in the powerful new developments and trends "inside" and "at the edges", but you readily see the retention and flourishing, in fact, of the core itself. That's not a transfer for growth, it's a two-fold expansion *of* growth

SWEEPING URBAN PROGRAM

This is not to be confused with redevelopment where no less than 27,000 buildings were leveled in Chicago in what was the nation's most sweeping urban redevelopment program. No sooner had the old buildings toppled when the new arose to replace them: Carl Sandburg Village to the North; Hyde Park—Kenwood to the South; Chicago Circle campus on the near west side. There is a unique vitality to such growth and it carries promises of great rewards . . . greater markets. Fine new high rise apartment buildings sprang up all along the lake front . . . Lake Shore Drive, Sheridan Road, and Marine Drive. There was new construction throughout the near North Side, and in Old Town, and many other parts of the city.

Any great city has a right to build something special, but only Chicago emits a whole volley: Marina City, the John Hancock, the 60 story First National Bank Building costing $94,000,000, the 35 story Equitable Building, Inland Steel's all steel headquarters, the $87,000,000 Civic Center, and the almost finished 30 story Time and Life Building. For half a mile on the west bank of the Chicago River is arising a series of four 22 story office buildings, part of the $100,000,000 Gateway Center.

Then there are the new networks of expressways, built to link the burgeoning suburbs with the central city—Edens and the Kennedy to the north and northwest; the Eisenhower to the west; the Dan Ryan to the south. All this on top of having built one of the world's longest bridge approaches, the Calumet Skyway that speeds traffic over congested industrial areas.

MEANING OF CHANGES

Expansion—redevelopment—construction—and some of the finest transportation in the country and indeed the world!

Alright, so the last 15 years produced metamorphic changes in Chicago . . . what have all those changes produced in terms of strengthening the market place?

Chicago is Number One in steel production (we wrested the title from Pitttsburgh a few years ago), Number One as an airline and transportation center, Number One in manufacturing radios and television sets, Number One in meat product manufacturing, Number One in the manufacture of household appliances (from percolators to refrigerators), for decades Number One in mail order business (accounting for 93% of all the mail order business in the nation), Number One in export trade selling more goods to foreign countries than any other city in the United States.

IMPORTANT FIRST

It exports by air, and from "the fourth seacoast" . . . the St. Lawrence Seaway . . . (four-fifths of a billion dollars of manufactured goods a year), Number One in candy manufacturing, Number One in industrial machinery manufacturing, metal products manufacturing, tool and die making, musical instruments, in commercial printing (from bubble gum wrappers to encyclopaedias, telephone directories, Life, Time, The New Yorker . . . with 1100 printers in the city and 2200 printers in the suburbs), furniture marketing, business form production, athletic goods, plastics, railroad equipment, lighting devices, telephones, soap, Diesel engines, wire products, lamp shades, office machines . . . and I could go on and on, aware that Chicago may well be second in some respects, but this youngest of the world's ten biggest cities has so many important Firsts that it can take justifiable pride in itself, and especially in its hopes and prospects for the future.

I like to think of all these firsts as adding up to a lush and natural setting for all who seek to do business here. Notice that we're first in so many different areas.

A greater market must produce greater wealth.

Not too long ago the New York suburb of Scarsdale in Westchester County ranked as the nation's wealthiest community with an average annual family income of $29,276.

OPULENCE

This past year, at least three Chicago suburbs exceeded that figure. Kennilworth leads with a median family income of $35,866. Barrington ranked second with its $32,700. Flossmoor ranked third with its $30,693. Three other suburbs (Winnetka, Glencoe, Olympia Fields) had median family incomes above $25,000 a year. In fact, the median family income for the ten leading suburbs is reckoned at $26,000.

Similarly, in no fewer than 6 suburbs (Kennilworth, Barrington Hills, Flossmoor, Winnetka, Olympia Fields, and Lake Forest) the median value of a home was above $50,000. In 6 others, the median value of a home was between $40,000 and $49,000. In a very real sense, of course, it's the City of Chicago that makes the suburbs great. It is where most suburbanites earn the money that helps them achieve those remarkable median family incomes and pay for the expensive homes. Nor is the wealth confined to the suburbs . . . what with areas in Chicago like the near north (Gold Coast) where the median family income is reckoned at $27,960—topped by only the three leading suburbs.

AIR CENTER

Suburbanites accounting for many of the more than 30 million airline passengers who passed through O'Hare International Airport this past year—helped make Chicago the undisputed air center of the world. Imagine, a plane lands or takes off every 47 seconds on the average, around the clock, day and night, spring, summer, fall and winter. No other airport in the world even comes close.

Let's get back to mackerel. Mackerel eat almost every kind of small fish and will even sometimes eat a smaller mackerel. They glide through the water like torpedos and they swim together in schools. Schools break up at night and come together when it is daylight . . . always moving lest they die. The habits of a species! I wonder . . . do we Chicagoans have the right to call ourselves a species? (I would hate to think of us eating our own kind, of course . . . but the pace, the competition of a fast track keeps us improving and "off the bottom".) Look at all that's happened where we live and work . . . it can't all be luck. If we are different I leave it to the social technicians to really find out why.

I do know, however, of the unbelievable saga of brothers who founded and forged a business that grew to giant proportions and who began with only three assets. They had each other, $500, and the people of this city.

FROM ACORN AND THREE ASSETS

The incredulous part of the story, the Goldblatt's story, is the support of employees who rallied to every new location and with every administrative expansion, as though part of the family itself with deep and rare ownership interest. Presumedly there are such people everywhere, but I can't help believe that the number of them, within the total that came with us, is so high . . . they are indeed our greatest asset. No other single factor so assuredly is responsible for our growth . . . and the relative swiftness with which it came.

We believe Chicago and its people are different. In a sense, our company has proven it. The golden tales of success and fortune in America that reached us from a foreign land long ago lauded Chicago as the land within a land of opportunity . . . the tug at the boot-strap and the American dream. The memories of success tucked within the pages of my mind . . . are memories of people.

You readers who seek markets, locations, and create demands, who collectively spend about twenty billion dollars annually in advertising (in all media) . . . think warmly of Chicago and its total facets for living. It is not only a place to work:

By any yardstick, Chicago could boast the greatest concentration of educational facilities in the country. It has more fine colleges and universities than you find elsewhere. There are such institutions as Northwestern University (both in Evanston and Chicago), the University of Chicago, the University of Illinois, and a host of smaller colleges and Junior Colleges, along with such specialized institutions as medical, dental, business, and law schools.

FOREMOST CONVENTION CITY

Chicago is the foremost convention city in the world. More people come here for meetings, conferences and exhibits than go anywhere else. In 1969 there were 1100 conventions here. The Furniture Market alone attracts 80,000 furniture dealers.

Typical of the big exhibitions are the Home Furnishings Market; Chicago Automobile Show; National Houseware Show; National Boat, Travel, and Outdoor Show; Chicago Golf Exposition; Chicago World Flower and Garden Show; Chicago Shoe Show . . . there's no end. The popular site for many is the International Amphitheater, and soon the new McCormick Place rising from the ashes of a disastrous fire.

The city's facilities for such spectator sports as baseball, football, basketball and hockey . . . and virtually all the participatory sports are outstanding, whether it be fishing, boating, swimming, or tennis.

Our city excels with one of the world's most intense concentrations of medical research facilities. Both patients and practitioners come here from around the world, and it has been estimated that one out of every five doctors in the United States gets much or all of his training in Chicago.

Our theaters and auditoriums, while not first in number in the nation, nonetheless present some of the finest and most artistic productions to be found anywhere.

This is the home of the world-famed Art Institute and of the Field Museum, the Shedd Aquarium, the Adler Planetarium, and the Museum of Science and Industry.

There are 438 parks, and one of the longest beachlines anywhere. Its major athletic teams are the Cubs, White Sox (each with its own park); and there are the Chicago Bears, Chicago Bulls, Chicago Blackhawks, a host of others . . . even in soccer and rugby.

TRANSPORTATION HUB

I would be remiss if I didn't apply special attention to Chicago's role as the nation's ground transportation center. Twenty trunk line railroads representing half the nation's railway mileage come here. Chicago handles more than 35,000 freight cars in its switching district, along with more than 140,000 rail passengers and commuters. An average 1200 buses carrying more than 35,000 passengers enter the city daily. Besides it is port-of-call for 90 percent of the ships engaged in Great Lakes overseas trade, and the only connecting link between the St. Lawrence Seaway and the Mississippi Waterway system.

WORLD TRADE

Accordingly, consider its position in the world of trade, from retail to international. In the year just ended, retail sales for the eight county area that make up Metropolitan Chicago came to $14,600,000,000. Over 30,600 retail establishments do business here. There are 12,000 wholesalers with sales of $37,520,000,000 in 1969 . . . over two billion dollars more than the preceding year.

Typical of this city's vigor, is its manufacturing activity beginning with its champion steel output what with twenty percent of the country's raw steel coming from the district. In 1969 production of 26,200,000 tons of ingots broke all previous records. All of this in 16 companies with melting furnaces, and 24 plants where steel is rolled, forged or drawn, amounts to $17,422,000 a day in business.

Because of Chicago's easy access to raw steel and metals, and its incomparable transportation system, its Number One position in the making of steel products follows naturally . . . from storm windows and doors to automobile parts, from gutters and downspouts to huge tanks for oil and water.

Through the Chicago Mercantile Exchange, this city is the world's biggest trader in futures in egg, butter, poultry, farm produce, live cattle and hogs. Although no longer "Hog Butcher To The World" it holds its Number One position in meat products manufacturing with such giants as Armour, Swift, Wilson, Oscar Mayer, Mickelberry's and Rath headquartering here. And more and more:

The Chicago Board of Trade at the South end of the LaSalle Financial District, is the world's leading commodity market.

The world's largest hotel, the Conrad Hilton . . . it's here too.

The world's biggest water filtration plant, in Chicago.

The world's largest underground garage, accommodating nearly 4000 cars beneath Grant Park.

The Merchandise Mart, the world's largest commercial office building . . . in Chicago. The world's tallest apartment building, the Lake Point Tower; the John Hancock Center, the tallest apartment-office building (only a bit shorter than the Empire State Building.)

The world's largest Home Center, a Goldblatt's innovation in retailing of home furnishings and an exhibition in styles of living . . . a few miles west of Chicago in Downers Grove.

EYE-ON-THE-FUTURE

Whatever has been written or said about Chicago, one thing stands out above all else: It will never stand still.

In 1969 the gross metropolitan product was $47,200,000,000, 2 billion dollars more than the preceding year. Employment reached an all time high and so did total investment in construction and purchases of leases of industrial facilities plus land purchased for future expansion.

Chicago too has its housing problems, but it moves forward in an urban renewal program that will cost $900,000,000 and will hopefully, says Mayor Richard Daley, "eliminate slum and blight from every neighborhood." This is but a part of a Comprehensive Plan of Chicago that will cost $6,000,000,000 to benefit the millions who will reside here by 1980—and to create virtually a new city by the year 2000.

Additionally, $2,000,000,000 spent by 1200 industrial firms and educational institutions for research and development, point up Chicago "tomorrow". Some 60 colleges and universities as well as Chicago-based trade, professional and service associations engage in probing everything from economics to future mass transportation, to atomic energy, aerospace, theoretical physics and the stubbornest of man's serious diseases (the latter inspiring a unique organization and mass effort of our own many thousands of Goldblatt's employees, mobilized under the masthead of the Nathan Goldblatt Employees Cancer Research Foundation).

Let it be noted that the war against cancer is deeply woven in the Chicago fabric. It was Fermi's demonstration of the world's first controlled nuclear reaction at the University of Chicago that led to creating radioactive substances such as cobalt used for irradiation of deep-seated cancer. The use of methotrexate for certain rare cancer in women, although pioneered in Bethesda, Maryland, was strongly substantiated at Chicago's Passavant Hospital. Dr. Charles Huggins of the University of Chicago was awarded the Nobel Prize for relating some types of cancer of the breast and prostate to sex hormones. Furthermore, the use of Yttrium seeds for destroying cancer tissue was developed at the University of Chicago.

RELENTLESS WAR AGAINST CANCER

Permit me to pay tribute to my brother Maurice Goldblatt, founder in 1947 of the University of Chicago Cancer Research Foundation and still its Chairman. A leading merchant of this city, he has somehow paralleled a brilliant career with a lifetime of anti-cancer activity and philanthrophy in countless important compartments of cancer research . . . here in Chicago, but for all humanity, in all the world.

Whatever pressing problems confront us in the 1970's our history is certainly on our side, and we have many examples to inspire us. The years were dotted with disasters: the financial panic of 1837, the Great Fire of 1871, the Depression of 1929, and many others. Each time Chicago thrust back like the indomitable and forward moving giant it is.

I might conclude with . . . "holy mackerel, Chicago's on the GO!" It is obvious that with Chicago's typical zeal, its expanding facilities of past-present-and-future, a tremendous energy and potential, Chicago will continue to achieve goals in the years ahead.

VIEWS OF FORMER REPRESENTATIVE FISH ON U.S. INVOLVEMENT IN SOUTHEAST ASIA

Mr. PELL. Mr. President, several weeks ago, on June 17, 1970, I brought tc the attention of the Senate the prescient testimony presented by former U.S. Representative Hamilton Fish, of New York, during Senate consideration of the Southeast Asian Collective Defense Treaty in 1954.

In his testimony before the Committee on Foreign Relations at that time, Mr. Fish issued a warning against U.S. military involvement in Southeast Asia, predicting the result would be a long, bloody, and costly war that would be immensely unpopular and contrary to our national interests.

I have since been in communication with Mr. Fish. He has prepared and sent to me a statement reflecting his current views on the war and his own suggestion on how the fighting might best be ended.

Believing that Mr. Fish's statement and suggestions have very real merit and that Senators will be interested in Mr. Fish's views, I ask unanimous consent that his statement be printed in the RECORD.

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

AUGUST 5, 1970.

WHY NOT STOP THE KILLING IN VIETNAM BY AN OFFER OF CEASE-FIRE SIMILAR TO THAT BETWEEN THE ARAB STATES AND ISRAEL?

(By Hon. Hamilton Fish)

No one knows whether the offer of a cease fire between the Arab States and Israel will eventually be successful. But it is certainly a worthwhile, constructive suggestion by

President Nixon and Secretary of State Rogers.

Why not offer a similar cease fire on a status quo basis, to the Communists in North Vietnam and the Vietcong, by the United States, South Vietnam and its allies. It would have the overwhelming approval of the American people, probably 90% or more, irrespective of partisanship, just to stop the killing and peace negotiations could follow. The longer they took, the better as it would provide time to train, equip and arm additional troops from South Vietnam and Cambodia to defend themselves against Communist aggression.

As one who believes that our involvement without the consent of Congress, in virtually a civil war in Vietnam, 10,000 miles away, was in the wrong place, at the wrong time, and in the wrong war, I am convinced that the time has come for immediate action to end the war by an outspoken worldwide offer of a nonpartisan cease fire, on a status quo basis, subject to later peace negotiations.

Sixteen years ago in opposing the SEATO Treaty, before the Senate Foreign Relations Committee, I stated that the signatories would run out on us and leave us holding the bag which they did, including France and Britain. I further stated if we became involved in a civil war in Southeast Asia and sent our armed forces there, that the Communist PolitBureau and the Communist General Staff would celebrate by getting drunk for a week as they would like to keep our armed forces in the jungles and swamps of Vietnam. Unfortunately that is exactly what they have succeeded in doing by draining our military and financial resources while they were taking over economically, politically, and militarily, the Arab nations, the eastern Mediterranean areas, and jeopardizing American oil reserves there.

The initiation of a cease fire between Israel and the Arabs, by Secretary Rogers and President Nixon establishes a sound precedent for an open appeal to North Vietnam and the Vietcong for a similar cease fire in order to stop the killing and casualties on both sides.

It seems somewhat strange that the United States should take the leadership in urging a Near East cease fire instead of publicly proclaiming to the world, a cease fire for the cruel and far more deadly war in Vietnam.

I believe in the integrity and sincerity of President Nixon and his determined efforts to end the war in Vietnam on a basis of a fair and honorable peace. I commend him for taking the first step by the withdrawal of over 100,000 American troops from Vietnam and believe by the end of the year it will be reduced by over another 100,000. But why continue the killing of American soldiers, those of our allies and our enemies, in Vietnam for a single day in this tragic and bloody war; the longest in the history of the United States and the third deadliest.

I urge President Nixon to immediately offer a cease fire by our armed forces and those of the enemy without any reservations of any kind on a status quo. Such an offer by President Nixon would be acclaimed by all neutral nations as a definite act by the United States to secure peace in Vietnam and to stop the bloodshed.

President Nixon in answering a question at a press conference, six weeks ago, stated that he was in favor of a cease fire, but indicated there might be difficulty in supervision of the Vietcong and guerrillas. This may be so but not half as much as in the case of the Arab guerrillas. The United Nations by its very nature ought to be willing to cooperate to provide the necessary supervisory forces. If not, both sides could maintain the status quo of their armed forces and could provide sufficient supervision.

A cease fire offer by President Nixon should be made on a non-partisan basis directly to the leaders of North Vietnam and the Vietcong. It should be supplemented by a world wide television public announcement supported and endorsed over the same television by Sen. Mike Mansfield, the Democratic leader of the Senate representing the entire Democratic party. If North Vietnam and the Vietcong turn down a peace offer based on a cease fire, then all the neutral nations will place the stigma for any continued fighting and killing upon the Communists in North Vietnam and the Vietcong.

There may be some risk but there are always risks in war, to begin it, to make it or to end it. But as a combat officer and former member of the General Staff, I believe a cease fire offer has been grossly exaggerated and am inclined to think that most of our top generals would favor a fair cease fire.

The fundamental concept of military tactics is to get your enemy into an area of your own choosing. This our enemies have done and I firmly believe we are playing into the hands of the world Communists by being there.

If President Nixon publicly urged a cease fire, and I see no sound reason why he doesn't, it would help stop all the Vietnam war unrest that has been going on in the United States increasingly and change overnight our prestige and influence in the free nations of the world. No Vietnam peace offer on a massive world-wide scale has yet been made. The Communists in North Vietnam and the Vietcong have suffered enormous casualties, their country and farms have been devastated, and they might be willing to stop the killing in order to secure a just and honorable peace. Certainly a cease fire offer on a non-partisan and global basis, should be made. Even if the chances of success are uncertain, like that in the Middle East, yet if a non-partisan cease fire offer is made and succeeds there is enough honor and glory for all those who participate in it. "Blessed are the peacemakers, for they shall be called the sons of God."

DETERIORATING POSTAL SERVICE—TULIA HERALD CALLS IT A NATIONAL DISGRACE

Mr. YARBOROUGH. Mr. President, Mr. H. M. Baggarly, one of the Nation's most respected country editors, recently wrote a hard-hitting editorial on the disgraceful decline in postal service during recent months. In this editorial, Mr. Baggarly points out some of the incredible practices in which the Post Office Department has engaged.

For example, in Tulia, Tex., the square dance news was mailed at the Tulia Post Office on Monday and was placed in the post office box maintained by Mr. Baggarly's newspaper in the Tulia Post Office on Thursday. This means that it took 3 days for a letter to go from the drop box to a post office box within the same post office building. The reason for this delay is that the letter was taken from the Tulia Post Office and sent to Amarillo, approximately 50 miles north of Tulia, where it was given an Amarillo postmark and then it was sent to Claude, Tex., which is approximately 28 miles east of Amarillo and 72 miles northeast of Tulia, for some reason which is yet to be explained, and eventually returned to the Tulia Post Office and placed in Mr. Baggarly's box, Thus, to send a letter from one place within the Tulia Post Office to another, the letter traveled approximately 150 miles. This outrageous situation is a typical example of "Blountized" corporate inefficiency in handling the postal affairs of this country.

This is but one example of the lack of concern the present administration seems to have for the needs of our citizens of rural America. The Post Office Department (or Postal Service as it is now called) has restricted the use of local postmarks in many of our smaller cities, such as Tulia, Dumas, Hereford, Littlefield, and Plainview, a city of 25,000 people, to local mailings, thus causing these cities to lose their identity. All of this loss of identity of cities and long, expensive and useless hauling of mail is to get it to machines in Lubbock or Amarillo for cancellation. Letters are hauled a a total of 150 miles just to run it through a canceling machine, with days of time lost in getting the mail from sender to receiver. This is an example of Blount's increasing inefficiency. We cannot afford to run the Post Office like a Government contractor runs the cost-plus contracts.

Instead of trying to correct these problems, all that the Postmaster General has devoted his energies to has been the conversion of the Post Office into a corporation type moneymaking institution. In other words, the motto of the new postal corporation should be "Less Service for More Money."

Mr. President, Mr. Baggarly is close to the people of rural Texas and knows what things concern these people. I submit that the people of America will not tolerate this type of postal inefficiency for long. So that all Senators may have the benefit of Mr. Baggarly's insight into this problem, I ask unanimous consent that the editorial entitled "Postal Service—National Disgrace," published in the Tulia Herald of August 13, 1970, be printed in the RECORD.

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

POSTAL SERVICE—NATIONAL DISGRACE

Maybe not "from the halls of Montezuma to the shores of Tripoli" but at least from Caribou, Maine, to Birchville, California we read severe criticism of the postal service.

The Wilmington, N.C., Star reports that it frequently has been forced to omit syndicated columns mailed in New York and Washington and received in Wilmington four days later . . . by air mail!

Columnist David Lawrence reports that one air mail letter addressed to him in Washington from Sarasota, Fla., reached him 11 days after it was postmarked.

New Mexico residents complain that it takes mail three days to travel 20 miles!

Here in Tulia week before last the square dance news was mailed at the Tulia post office on a Monday and finally was placed in our box in the same post office on Thursday. It had been sent to Amarillo, then to Claude.

Our out-of-town papers, including Kress and Happy, were sacked and ready to go by 6:05 last Wednesday afternoon. But the door was locked at 6 and these papers had to lay in the Tulia post office until about 6:30 Thursday afternoon—24 hours and 30 minutes—before they moved! Postmaster Sanderson is cooperating to prevent this from happening again, but in so doing is probably violating the spirit of postal policy.

The deteriorating postal service is a national scandal. True, the service has problems, due largely to the increasing volume of mail to be delivered. But communications, including the mail service, telephone, telegraph, airlines, are the life blood of America, both commercial and personal.

With modern technology at our disposal, we should have the fastest and most efficient mail service in the world. As it is, mail service in "backward" Mexico is both faster and cheaper! Mexican postal service is operative seven days a week! And why shouldn't it? People live seven days a week—not four and a half or five!

The policy of the postal service is saturated with inconsistencies. For instance, it is making an effort to reduce if not eliminate "night work" because night workers are paid a slightly higher rate.

Any knowledgeable person knows that the general pattern of business mail is this: It is mailed in the afternoon and is expected to arrive at its destination the next morning. We have in the past dispatched letters in the late afternoon and they were delivered in Dallas, Denver, Oklahoma City or Albuquerque the next morning.

This simply means that mail must travel at night. We can no more limit night work in the postal service than we can eliminate night work for the police, firemen, hotel clerks or ambulance drivers. It's a part of the system.

Then there is the problem of cost, the culprit that must bear the blame for poor service.

Americans have priorities . . . or should have. Some will drive a 10-year-old car in order to have a new home. Some will forgo good clothing in order to have a new car. But there are some areas in which we demand the best . . . regardless. Business men cannot operate without reliable and efficient communications. Poor mail service means lost sales. It means halted production pending the arrival of a part or supplies. For a newspaper, it means the loss of its life blood, news, features, before publication, and effective readership after publication.

The Easter mail strike in New York City dramatized the effect of poor mail service on banking, stock markets, credit institutions, pensioners, and a thousand other businesses and individuals.

Americans want efficient mail service. And they expect to pay for it, either in the price of a stamp or through taxation. They are not interested in false economy even though it might make Mr. Nixon's budget look a little better.

VISION FOR NEW FOODS

Mr. DOLE. Mr. President, among the achievements of the World Food Congress held last month in The Hague under the auspices of the Food and Agricultural Organization of the United Nations, was a goal of seeing that every schoolchild be provided at school with half of his or her daily requirements of calories and proteins by the end of this decade.

This worthwhile goal is of particular interest to me, Mr. President, because Kansas is helping to achieve that goal as the principal supplier of wheat-soy-blend, or WSB, a versatile new low-cost high-protein food product formulated by the U.S. milling and bulgur industries in cooperation with the U.S. Department of Agriculture, and now widely distributed throughout the world under the food-for-peace program.

Mr. President, an editorial published in the Southwestern Miller of July 21 summarized the objectives of the World Food Congress and what it could mean in terms of improved human nutrition. I ask unanimous consent that the editorial be printed in the RECORD.

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

VISION FOR NEW FOODS

That "every school child be provided at school with half of his or her daily requirements of calories and proteins" is one of the principal goals adopted by the second World Food Congress held under auspices of the Food and Agriculture Organization of the United Nations in The Netherlands. That goal, recommended by the Commission on Higher Living Standards and Improved Diets, was among the most ambitious spelled out for achievement in the decade of the 1970's. It was presented not only as a challenge to the governments of the developing nations, but also for the developed nations such as the United States. The developed nations were urged by the commission's chairman, Professor V. A. Oyenuga, not only to assure that that child feeding target be attained among their own underprivileged populations, but also to assist the developing nations toward that very same objective.

It is no surprise that the proposal for spelling out a very specific target for nutrition level provided through school lunch programs originated with a spokesman from private industry, in this case an American company that has done considerable pioneering work in the field of specially blended foods. That Herbert J. Waters, who attended the Congress as a representative of Archer Daniels Midland Co., should be the originator of the proposal is, if anything, a tribute to the spade work that must precede acceptance of specially prepared foods as one answer to the world's very serious nutrition problems. Mr. Waters spelled out for the Oyenuga Commission the success attained by the United States in distribution of Wheat Soy Blend (WSB) and Corn-Soya-Milk (CSM) in foreign donation programs, and the undisputed documentation of the tremendous advances in health and vitality achieved in areas where these foods have been accepted. He cited the great opportunities for further enhancement of nutritional well-being around the world through application of the technology and skills already gained in what must be viewed as barely minimal steps.

No one, even the United States, could claim at The Hague sessions that the goals for the 1970's in the way of nutrition had already been achieved in their country. In the same week that the Congress was under way, Secretary of Agriculture Hardin did declare, "America has turned the corner in its drive to eliminate hunger and malnutrition." That "turning the corner" from what has generally been regarded as a shocking level of malnutrition is largely due to the Nixon administration's efforts to expand both the school lunch and food stamp program and to assure that every county provides some type of federal food assistance. Currently, some 5,000,000 needy youngsters are receiving free or reduced price lunches, compared with only 3,000,000 a year ago. In face of that progress—bringing the food stamp and commodity distribution programs to 10,000,000 people in needy families, against slightly less than 7,000,000 in May, 1969—it is generally conceded that budgetary restraints are checking success. Senator George McGovern of South Dakota, chairman of the Senate Select Committee on Nutrition and Human Needs, recently praised the administration's progress in the war on hunger as "one of its most impressive accomplishments," but at the same time declared "millions of Americans remain hungry."

The avenue raised at The Hague for dramatic improvements in the health of school children throughout the world—utilizing grain-based foods specially prepared to achieve stated nutrition levels—has hardly been given a chance in the United States. This is in face of the fact that experts such as Mr. Waters and Robert G. Lewis, both Washington consultants with government experience in the areas of food and nutrition, believe that this nation cannot afford to overlook that method. Mr. Lewis has estimated that it would cost just under $2,000,000,000 a year to reach 31,000,000 people with one pound per day of high protein, fully enriched and fortified "full nutrition food." That quantity would provide all the daily requirements for protein, minerals and vitamins and two-thirds of the calorie needs, Mr. Lewis points out that his cost estimate is less than half the outlay the Department of Agriculture is proposing for a food stamp program that will reach far fewer people. Mr. Lewis states that the use of "full nutrition foods" is not only economically feasible, but is socially desirable.

For some years one of the basic tenets of food assistance overseas was that no food could be donated abroad that did not already have commercial acceptance in the United States. The success of CSM as an overseas relief food has largely ended reliance on that precept. Based on the willingness of the World Food Congress to embrace specially blended foods as an answer to nutrition needs and the continued reluctance of domestic food administrators to take that same stand, it appears that introduction of these foods into domestic programs may well depend upon further successes with the hungry overseas.

AMERICAN BAR ASSOCIATION JOURNAL ARTICLE OPPOSING THE GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, I was gratified to learn several weeks ago that the Committee on Foreign Relations had decided not to report the Genocide Convention proposal at this time. I believe that the committee acted wisely because of the far-ranging consequences which would flow from the ratification of this treaty.

In the July 1970, issue of the American Bar Association Journal, two scholars, Judge Orie L. Phillips and Mr. Eberhard P. Deutsch, who have investigated in detail the provisions of the convention and its ramifications, published an article entitled, "Pitfalls of the Genocide Convention." Even though the Genocide Convention will not be considered at this time, I hope that all Senators will read the article. It is an outstanding scholastic work, and its authors deserve praise for the public service they have performed by bringing their well reasoned objections to this treaty to the Senate's attention.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

PITFALLS OF THE GENOCIDE CONVENTION

(By Orie L. Phillips and Eberhard P. Deutsch)

On September 8, 1949, the American Bar Association, through its House of Delegates, expressed the sense of the Association "that the conscience of America like that of the civilized world revolts against Genocide[1] . . .; that such acts are contrary to the moral law and are abhorrent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong; [and] that Genocide as thus understood should have the constant opposi-

[1] The word "genocide" was coined by the late Professor Raphael Lemkin (1900–1959) of the Yale Law School, whose parents were purged in Poland.

tion of the government of the United States and of all of its people".

The House nevertheless placed the Association on record as opposing approval by the Senate of the United States of the Convention on the Prevention and Punishment of the Crime of Genocide "as submitted" to the Senate for its advice and consent by President Truman less than three months earlier—on June 16.[2]

At its Midyear Meeting in Atlanta on February 23 of this year, the House reaffirmed the position taken in 1949, voting down by a narrow margin a recommendation for reversal of that position and for unreserved approval of the convention.

The authors of this article are in complete accord with both the declaration of and the conclusion reached by the Association. This article is written as a record of the background of that position, which, in the last analysis, is simply that wholehearted concurrence in the lofty ideals that engender promotion of moral issues should not be permitted to substitute the ephemeral tissue of those ideals for the enduring fiber of constitutional limitations.

The Genocide Convention originated in the United Nations. On December 11, 1946, the General Assembly adopted a declaration to the effect that genocide "is contrary to moral law and to the spirit and aims of the United Nations"; that "many instances . . . of genocide have occurred when racial, religious, *political* and other groups have been destroyed, entirely or in part"; and that genocide is a crime, whether it "is committed on religious, racial, *political* or any other grounds" (emphasis supplied). The declaration invited "the Member States to enact the necessary legislation for the prevention and punishment of this crime".

The United States joined in this declaration. Standing foremost as a world leader in the protection of individual rights, she could do no less. The authors of this article are in complete and unequivocable accord with the following statement made by the American Bar Association's Section of Individual Rights and Responsibilities in its report on the Genocide Convention submitted to the House of Delegates in February of this year:

"The United States, which was founded on the basis of protest against government excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate a whole people during World War II, and of determination that such an effort should not be undertaken ever again."

But the conviction of the authors is equally firm that having joined in such a declaration as to a matter which lies ultimately within the domestic sphere of each of the world's nations, the United States has gone far enough. She should not, in our opinion, join in a convention by which she would commit herself in advance to protect the people of other nations against their own governments. Nor should she agree that such other countries may determine what is to be deemed to be genocide within the borders of the United States and invite them in advance, in the words of Article VIII of the Genocide Convention, to take through "the competent organs of the United Nations, such action under the Charter of the United Nations as they consider appropriate for the "suppression" thereof.

The Section report itself makes this point abundantly clear. It is stated therein that under Article VIII of the Genocide Convention:

"Even if the complaint involved alleged prohibited action by one country against an ethnic group within its own country . . the claim that the United Nations could not consider the matter because it concerned the domestic jurisdiction of one state . . . would be foreclosed. The Security Council, or the General Assembly, or the Economic and Social Council would all be authorized to hear the complaint. In appropriate cases, where the complaint was borne out by the facts, the United Nations organs could recommend or decide on measures to be taken."

TREATIES SHOULD NOT BE USED FOR INTERNAL GOVERNMENT

It is submitted that treaties with other nations are not the proper constitutional means for the government of the people of the United States in their internal affairs, which should continue to be regulated by our own federal, state and local legislative bodies through enactments that have their foundation in our own constitutional processes.

We subscribe wholeheartedly to the statement made by John Foster Dulles as Secretary of State, testifying before a subcommittee of the Senate Judiciary Committee on a proposed constitutional amendment to limit the effect of treaties as internal law within the United States:

"I do not believe that treaties should, or lawfully can, be used as a device to circumvent the constitutional procedures established in relation to what are essentially matters of domestic concern. [The United States should] favor methods of persuasion, education and example rather than formal undertakings. . . .

"We do not ourselves look upon a treaty as the means which we would now select as the proper and most effective way to spread throughout the world the goals of human liberty to which this Nation has been dedicated since its inception."

The authors of this article do not agree with the extravagant statement in the Section report that "in terms of a threat to international peace and security, the occurrence of genocide anywhere in the world is as much a matter of international concern as, for example, the spread of nuclear weapons"; or that "when some states—or, as in this case, 74 states—consider a matter to be of sufficient concern to make a treaty about it, then realistically it is of international concern".

This is the old bootstrap doctrine by which a domestic issue, not subject as such to regulation by treaty, can be transmuted, by the very prohibited act of making it the subject of a treaty, into the arena of international affairs subject to regulation by treaty. It is the same doctrine that gave rise to the 1950 dictum by the Department of State that "there is no longer any distinction between 'domestic' and 'foreign' affairs".[3]

If the limitations contained in the Constitution of the United States are subject to circumvention by this jurisprudential sorcery, the matter becomes one of broad constitutional policy rather than of strict constitutional law. Our constitutional philosophy should not be so impaired by transplanting matters within our domestic jurisdiction into the international forum, subject to legislation by treaty and adjudication by international tribunals.

GENOCIDE BY GOVERNMENT IS NOT IN THE CONVENTION

There can really be no question, as stated in the Section report, that "the crimes which gave rise to the Genocide Convention—mass murder of Jews . . . by the Nazis was, of course, done with the encouragement and indeed at the direction of the government of Germany". It is the position of the authors of this article that in order for genocide to be an international crime, and therefore a matter of international concern appropriately the subject of a treaty, it must, by definition, be committed with the complicity of the government concerned, not merely by individuals.

When the convention was being formulated, the representatives of the United States, backed by those of other Western nations, sought as a *sine qua non* to have genocide defined as having been committed "with the complicity of government", because its "delegation felt in fact that genocide could not be an international crime unless a government participated in its perpetration."[4]

This demand was rejected, and under Article IV of the convention states-parties are required merely to enact legislation providing punishment for "persons committing genocide" and requiring the trial of "persons charged with genocide", whether they are "public officials or private individuals". Instead of including government complicity as an element of the offense, Article VIII of the convention permits "the competent organs of the United Nations" to interfere in the domestic affairs of member nations by hearing complaints as to the conduct of their individual citizens, and to "take such action . . . as they consider appropriate" against them.

The type of problem with which the United States might be faced in this regard, if it became a party to the Genocide Convention, is illustrated graphically and startlingly by a recent news item in *Time* of December 12, 1969, which reported that a "San Francisco lawyer who represents the [Black] Panthers . . . revealed plans to go before the United Nations and charge the United States with 'genocide' against the Panthers".

VAGUE LANGUAGE CAUSES PROBLEMS

Another constitutional question of some significance arises from the vagueness of

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[2] In 1950 the Senate Foreign Relations Committee, headed by Senator Connally of Texas, having before it the genocide treaty from President Truman for advice and consent, ordered hearings by a subcommittee under the chairmanship of Senator McMahon of Connecticut. Hearings were extensive, running over a number of days. Many persons appeared in support of ratification. Carl B. Rix of Milwaukee, a former President of the American Bar Association, the late George Finch of Washington, D.C., then and for many years Editor-in-Chief of the *American Journal of International Law* and professor of international law at Georgetown University, and Alfred J. Schweppe of Seattle, formerly Dean of the University of Washington Law School and at the time Chairman of the American Bar Association's Committee on Peace and Law Through United Nations, appeared and testified against ratification, pointing out the grave inadequacies and risks of the proposed convention. The testimony taken at the hearings is part of the Senate records. After these 1950 hearings, the proposed convention became dormant for some twenty-one years, until revived by President Nixon in February, 1970. It appears significant that Dean Rusk, who as Assistant Secretary of State presented the State Department's position to the McMahon subcommittee in 1950, was Secretary of State for eight years under two recent Presidents, but did not revive the Genocide Convention, even with a heavy Democratic majority in the Senate. Equally significant is the fact that during the Eisenhower Administration John Foster Dulles, the Secretary of State, announced that the administration would not bring up the Genocide Convention.

[3] State Department Publication 3972, Foreign Policy Series 26 (1950).

[4] See record of the proceedings of the Ad Hoc Committee in 1948, and especially the statement made on April 15, 1948, by Mr. Maktos of the United States, chairman of the committee, as to the position of the United States, and also the proceedings and votes on the Sixth (Legal) Committee (75th and 128th meetings), and the Official Records of the Third Session of the General Assembly, Part I, "Legal Questions".

certain provisions of the convention. It provides in Article II, for instance, that genocide consists of certain "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" by "(b) causing serious . . . mental harm to members of the group".

There would seem to be grave doubt as to whether so vague a provision as that of "mental harm" could be cured by implementing legislation such as, for example, that proposed by the Section of Individual Rights and Responsibilities in an annex to its report on the convention, which refers to conduct "with the intent to destroy" and which "causes serious harm to the . . . mind". Even the February 19, 1970, message of the President to the Senate, with its attached letter from the Secretary of State, requesting advice and consent to ratification recommends that this be done with an "understanding" that the words "mental harm" be construed as having a clarifying narrow meaning.

Language so broad and vague, if not unconstitutional in legislation defining crime, could well have been held to characterize racial segregation practices prior to 1954 as genocide. In *Brown* v. *Board of Education*, 347 U.S. 483, the Supreme Court held expressly that separation of Negro children "from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . [and] has a tendency to [retard their] education and mental development".

"POLITICAL" GROUPS REMOVED FROM THE CONVENTION

Just as the United States and her political allies were unable to get "complicity of government" into the definition of genocide, they also acquiesced at the insistence of the Communist bloc in the omission of "political" from the categories of groups as to which genocide is to be prohibited.

The original United Nations declaration denounced genocide whether "committed on religious, racial, *political* or any other grounds" (emphasis added). When this declaration was being converted into the convention, the Communist nations insisted on omission of "political" from the listed categories, and the United States capitulated. None of the Communist nations, therefore, can be charged under the convention with committing genocide by inflicting intolerable "conditions of life" on a political group and seeking to destroy its members.

When this point was raised in the House of Delegates last February, Nicholas de B. Katzenbach, a former Under Secretary of State of the United States said, in effect, that omission of "political" from the convention was simply a "trade" in the course of compromise between the Communist and Western nations by which "we succeeded in getting 'ethnical' included among the groups in place of 'political' ". Considering that "ethnical" in its ordinary meaning is defined as "pertaining to or designating races" and that "racial" already was in the draft of the convention, a compromise for the insertion of "ethnical" in return for the omission of "political" seems to have been a one-sided trade, with our side the loser.

The elimination of "political" groups and "with the complicity of government" now permits genocide where it goes on (Czechoslovakia, Hungary, Africa, Asia). Sir Hartley Shawcross, a former British Attorney General, said that the adoption of the convention will delude people into believing that a great step forward has been taken, whereas nothing has been accomplished.

This "legislative history" as to the circumstances under which "political" was omitted on the insistence of the Soviet Union and other Communist nations, so that assassination of political groups is not prohibited by the convention, is explained and confirmed by the refusal of the Soviet Union to ratify the 1957 Convention on the Abolition of Forced Labor, because it prohibits the imposition of forced labor as a means of political coercion or as punishment for the expression of political views opposed to those of the government.

WHERE CAN GENOCIDE TRIALS BE HELD?

Aside from the answerability of governments for violation of the convention on charges filed with the United Nations, the treaty provides (Article VI) that "Persons charged with genocide . . . shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

In an article in the January, 1970, issue of this *Journal* (page 71), Bruno V. Bitker inadvertently omitted the words "in the territory of which the act was committed" when he quoted from Article VI. In a letter to the editor in the April issue (page 296), the omission was corrected by Mr. Bitker, but his January article concludes that a United States citizen charged with genocide under no circumstances could be tried elsewhere than in a court of the United States.

And in the report of January, 1970, on the genocide convention submitted by the Standing Committee on World Order Under Law to the House of Delegates, the same egregious *non sequitur* is drawn to the effect that since there is no such international tribunal as is contemplated under this article, no "American citizen could be deprived of his constitutional right to trial by jury, or be forced into a trial in some foreign court under procedures not American".

It seems especially difficult to understand this fallacious syllogism in light of the provisions of Article VII of the convention that genocide is not to be considered a political crime and that the parties to the convention "pledge themselves in such cases to grant extradition", presumably for trial in "the State in the territory of which the act was committed" (Article VI), "in accordance with their laws and treaties in force".

These jurisdictional and "extraditional" provisions raise important practical problems for the United States. The authorities in Hanoi have charged that members of the Armed Forces of the United States have been guilty of genocide in "the alleged massacre of civilians in a South Vietnamese village". If the United States were a party to the Genocide Convention, she would necessarily have agreed that these soldiers are subject to trial in Vietnam under the provisions of Article VI and, if the United States and Vietnam should ever have an extradition treaty, would be subject to extradition for trial in Vietnam, even if deemed or found innocent in this country.

Of course, no extradition would be necessary as to our American prisoners in North Vietnam. That country, it may be assumed, would cite the Genocide Convention, if we were a party to it, as our consent to the trial of those prisoners on genocide charges in that country, with the Nuremberg trials as a sanctioning precedent.

WHAT HAS HAPPENED TO THE "NUREMBERG DEFENSE"?

This suggestion in turn raises another interesting, serious and dangerous question for the United States. The "Nuremberg defense", universally pleaded in war crimes trials, is that the accused was following orders he was required to obey. Article IV of the Genocide Convention provides: "Persons committing genocide . . . shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals." As stated in the report of the Section of Individual Rights and Responsibilities: "The Genocide Convention makes clear, in Article IV, that in respect of the crimes specified, no one, not governmental officials, not private individuals, can escape responsibility for his action through this [Nuremberg] defense."

We join in asking the rhetorical question posed in his dissent by Ben R. Miller, a member of the council of the Section:

"Would not the military strength of this nation and hence the nation itself be endangered if in following orders of a superior officer in the heat of battle subordinates would be faced with instant decision of whether to risk court martial for refusing to follow orders, or punishment for genocide if a (tribunal) in the calm aftermath of a war could consider the result of following a particular order to have been genocide? For the Treaty abolishes the defense of subordinates that they were but following orders of their superior officers."

INTERNATIONAL PENAL TRIBUNAL STANDING IN THE WINGS?

Opponents of the Genocide Convention have insisted that if the convention were ratified by the United States, there would be the possibility of the trial of an American citizen accused of genocide before an international penal tribunal when, as and if such a court should be established and its jurisdiction accepted by the United States. The trial would be without the constitutional safeguards by which he would be protected in a court of the United States.

To this the proponents of the convention said in the Section report that "the answer is simple. No such tribunal has been established." They added:

"If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is only with the advice and consent of the Senate by a two-thirds vote."

Issue is taken, in the first place, with the last-quoted statement. This is just the type of action that, like recognition of a new foreign government, might be accomplished by an executive agreement without the advice and consent of the Senate. The point is well illustrated by the recent case of the International Anti-Dumping Code, concluded by the United States with seventeen other nations in Geneva on June 10, 1967. All those countries treated the code as a formal treaty requiring parliamentary approval—and so ratified it. The United States alone dealt with the document as an executive agreement, and because certain of its provisions were in direct conflict with corresponding provisions of Congressional tariff acts, the code was not submitted to the Senate for its advice and consent for fear of adverse action by that body.[5]

There possibly would be no practical way in which to assert the invalidity of an executive agreement accepting, in behalf of the United States, the jurisdiction of an international penal tribunal established for the trial of offenders under the Genocide Convention, once that convention itself had been ratified by the United States.

Nor can it be said cavalierly that it is not contemplated by the United States that an international penal tribunal is to be established. The minutes of the 74th meeting of the Sixth (Legal) Committee of the General

[5] See Public Law 90-634, 82 Stat. 1347 (October 24, 1968), 19 U.S.C.A. § 160, note (Suppl.), suspending certain provisions of the code, and its legislative history in *U.S. Congressional and Administrative News* (1968), Vol. 3, 4359 *ff.* See also Long, *United States Law and the Anti-Dumping Code*, 3 INT'L LAWYER 464 (1969).

Assembly of the United Nations, held at Paris in October, 1948, contain a significant statement to the effect that the United States delegation stated that it "intended, at a later stage, to show the need for the establishment of an appropriate international tribunal" in connection with Article VI of the Genocide Convention.

George A. Finch, a former Deputy Under Secretary of State, professor of international law at Georgetown University, Vice President of the American Society of International Law and editor-in-chief of its journal, in an address before the annual meeting of the society at Washington on April 29, 1949, said: "The proposals . . . to prevent genocide . . . have been framed so as to take American domestic questions out of the jurisdiction of American courts and place them under some form of international jurisdiction."

In a book on international enforcement of human rights, Professor Paul Gormley of the University of Tulsa School of Law states: "A private individual must be able to prosecute an action before an international tribunal—in his own name—against an offending government, particularly his own."

The Bangkok Conference on World Peace Through Law, held in September, 1969, unanimously adopted a resolution commending its committee engaged in a project entitled "Toward a Feasible International Criminal Court" and giving it all possible support and assistance.

How can it be said in good conscience, in the face of this wealth of background material to the contrary, that Americans may rest assured that ratification of the Genocide Convention by the United States at this time will not carry with it the ultimate establishment of an international penal tribunal for the trial of citizens of the United States charged with commission of offenses thereunder?

An American citizen or any other person residing in the United States who is tried by an international tribunal created for the trial of persons charged with the offense of genocide would be deprived of many of the rights provided in our Constitution for persons charged with offenses against the laws of United States in our national courts. Among these are the right to be charged for a capital or infamous crime only on a presentment or indictment of a grand jury and the right to a speedy and public trial by an impartial jury of the state and district wherein the crime is alleged to have been committed. The privilege against self-incrimination and the protection against unreasonable searches and seizures also might disappear.

Another reason militating against ratification of the Genocide Convention arises from the provision of Article III(c) making punishable "direct and public incitement to commit genocide" vis-à-vis the First Amendment's guarantees of free speech and press. Suffice it to say here that there is at least grave doubt under recent decisions of the Supreme Court as to the effect to be given, even by that Court, to such a treaty provision in the circumstances of different cases—certainly completely incomprehensible to judges of an international tribunal to whom our concepts of freedom of thought and expression might be chimeric mysteries at best.

RESERVATIONS ON ADHERENCE WOULD BE INEFFECTIVE

It is extremely doubtful that objections to the ratification of the convention by the United States can be obviated by reservations attached to our adherence. It will be recalled that by the Connally Amendment to the reservation of the United States to its declaration of adherence to the International Court of Justice, it is stipulated that the United States is not to be subjected to the processes of that court as to disputes which are essentially within her own domestic jurisdiction "as determined by the United States of America".

To circumvent that reservational safeguard, it was provided by Article IX of the Genocide Convention:

"Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

This article clearly overrides the Connally Amendment and subjects the United States to the unreserved jurisdiction of the International Court of Justice as to all matters involving the "interpretation, application or fulfillment" of the convention. Thus, if our Supreme Court should hold that a case under the convention is within this country's domestic jurisdiction and the conduct protected by the First Amendment, any party to the treaty could take the matter before the International Court of Justice, which need not follow our Court's decision. It might hold that the case was not within our domestic jurisdiction, and the United States would be bound by that decision despite the Connally Amendment.[6] This is a constitutional consummation devoutly to be avoided.

HOW EFFECTIVE COULD THE GENOCIDE CONVENTION BE?

In the final analysis, the prohibition of genocide by treaty must become an exercise in futility. Adolph Hitler would hardly have restrained the frightful acts of genocide that gave rise to the convention, even if it had been in existence and Germany had been a party to it during the Nazi reign of terror. The Soviet Union and her Communist-bloc allies were not deterred from the 1968 invasion of Czechoslovakia by the nonaggression provisions of the Charter of the United Nations.

The Genocide Convention places in the hands of nations whose peoples have never known the freedoms guaranteed under our Constitution the power to judge whether those freedoms are being protected properly within our domestic borders.

It is submitted that an international convention whose provisions may be invoked in an international forum when an individual commits a crime within the domestic jurisdiction of a state would cause far more friction between peoples and governments than does the evil it seeks to correct. It would tend to promote war rather than to maintain international peace and security within the letter and spirit of the charter of the United Nations.

ADVICE OF BAR SOUGHT ON REVISION OF ARTICLE 9

The permanent editorial Board for the Uniform Commercial Code is inviting all interested members of the Bar to comment on Preliminary Draft No. 2 of amendments to Article 9 of the Code. On May 22 the draft was submitted for members' suggestions at the 47th Annual Meeting of the American Law Institute.

The Uniform Commercial Code is cosponsored by the institute and the National Conference of Commissioners on Uniform State Laws. The editorial board is appointed by the two sponsoring organizations.

Copies of Preliminary Draft No. 2 of the Review Committee for Article 9 are available from the executive office of the Permanent Editorial Board for the Uniform Commercial Code, 4025 Chestnut Street, Philadelphia, Pennsylvania 19104.

Since its completion in 1952, the Uniform Commercial Code has been adopted in forty-nine states, the District of Columbia and the Virgin Islands. In the words of the Review Committee, Article 9 "was the first integration of the badly fragmented field of chattel security" and "the most innovative of the articles of the Code".

Preliminary Draft No. 2, replacing an earlier draft dealing with fixtures, contains all the current recommendations for revising Article 9. Professor Robert Braucher of Harvard Law School is Reporter to the Committee and Professor Homer Kriske of New York University Law School is Associate Reporter.

Following reconsideration of the draft in light of the suggestions received, the committee hopes to submit final proposed amendments with official comments to the editorial board before January, 1971.

Comments on Preliminary Draft No. 2 should be addressed to Secretary of the Permanent Editorial Board, 4025 Chestnut Street, Philadelphia, Pennsylvania 19104.

RESULTS OF 1970 ELECTIONS FOR STATE DELEGATES

Jurisdiction	Delegate elected	Ballots mailed	Ballots returned	Percent of return
Arkansas	John C. Deacon, Jonesboro	887	484	55
Colorado	James K. Groves, Denver	2,219	1,052	47
Delaware	Howard L. Williams, Wilmington	439	210	48
Georgia	Kirk M. McAlpin, Atlanta	2,580	1,281	50
Idaho	J. Blaine Anderson, Blackfoot	466	263	56
Indiana	C. B. Dutton, Indianapolis	2,593	1,413	54
Louisiana	Thomas W. Leigh, Monroe	2,843	1,142	40
Maryland	Norman P. Ramsey, Baltimore	3,971	1,670	42
Minnesota	John B. Burke, St. Paul	2,513	1,079	43
Nevada	Procter Hug, Jr., Reno	457	338	74
New Hampshire	Shane Devine, Manchester	435	245	56
New York	Lyman M. Tondel, Jr., New York	14,971	6,288	42
Ohio	Fred A. Smith, Toledo	6,481	3,490	54
Oregon	Hugh L. Biggs, Portland	1,690	1,192	71
Rhode Island	James H. Higgins, Jr., Providence	661	296	45
Utah	Calvin A. Behle, Salt Lake City	607	324	53
West Virginia	Frank C. Haymond, Charleston	794	576	73
Total		44,607	21,343	48

U.S. POLICY TOWARD GREECE

Mr. PELL. Mr. President, in an article published in the Washington Post on August 9, Mr. Alfred Friendly succinctly described the present situation in Greece and pinpointed what I consider to be the principal failings of current U.S. policy toward the junta. The article, appropriately entitled "The Greek Junta's Hopeless Future," underscores the need for a clear public statement of disapproval on the part of the Nixon administration of the junta's failure to begin the process of a reform to democratic government. Such action is long overdue and, as Mr. Friendly points out, the failure of the U.S. Government to take an unequivocal stand on this issue may well cost us "the

[6] See Phillips, *The Genocide Convention*, 35 A.B.A.J. 623, 625 (1949).

good will and future friendship of the oppressed Greek people."

I ask unanimous consent that Mr. Friendly's article be printed in the RECORD.

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

THE GREEK JUNTA'S HOPELESS FUTURE

(By Alfred Friendly)

ATHENS.—In the more than three years since it seized power, the Greek military regime has run up a curiously mixed record of success and failure. It has been completely successful in establishing itself in power. Its control of the country is absolute and not threatened by any force, internal or external, on the horizon. It has completely failed to fulfill its promises of giving Greece a new basis for political life, a political "cleansing" or even a minimally competent government. Most important, it has failed miserably to win popular support at home or acceptance abroad.

A striking consequence of these failures—and also in part a cause of them—is the junta's total inability to enlist anyone of technical competence, good reputation and public stature to work in the government. The feeling remains, and is probably growing, that anyone who joins up is a quisling.

For the last few weeks it has been common knowledge, and the source for much joking in Athens, that Prime Minister George Papadopoulos has been hawking top jobs to battalions or prominent Greeks who are anti-junta. Some of them have only recently returned from prison or exile. Papadopoulos is known to be frustrated on this score and to realize—as his infinitely more blinkered and primitive military colleagues do not—that his government is simply unable to deal with its problems. It can make its writ run, but its writ is incompetent.

The failure to win popular support, to operate an effective government, to obtain the necessary economic agreements with the Common Market and other international agencies abroad, to secure the flow of indispensable foreign investment—these are the junta's Achille's heel. Because of this, the Western democracies, and the United States in particular, possess some leverage that can be exerted on the dictatorship. The junta can afford to be indifferent or unmoved by the essentially meaningless threat of withholding future weapons supply but it can not remain unconcerned about international condemnation and lack of real American support, for these are at the root of the junta's hopeless future prospects. Greece has not reached the point of Spain and Portugal, nor is soon likely to, where it can thumb its nose at the rest of the world.

But it is in just this area of pressure politics where Greek liberal (as against left) anti-junta opinion leaders believe the United States has not made intelligent or courageous use of its clear potential. Whatever they think about the attitude of the Pentagon or CIA, a small group of informed and pro-Western Greeks concedes that the White House and the State Department detest the junta and are sensible to the dangerous consequences of its continuance.

But, they complain, the American government has not made clear to the junta, in cold turkey terms, the degree of its condemnation, nor threatened to use the not insignificent arsenal of political and psychological weapons at its disposal if the junta does not begin the process of a return to democratic rule. Granted, the Greek critics continue, the United States cannot tell the colonels how to run the Greek government. But it can certainly make much more explicit to the colonels that they cannot expect to be admitted into decent society, must less be supported or loved, as long as they are on their present course.

A second complaint against the American government is that in failing to take its stance of moral opposition to the junta clearly and publicly, it is forfeiting the goodwill and future friendship of the oppressed Greek people. Instead—at least until the arrival here of American Ambassador Henry Tasca, who put a stop to it—American military officers would greet their Greek counterparts with excessive cordiality and fulsome statements, all of which were reproduced by the government and disseminated far and wide as evidence of how the United States loved the regime. Even Tasca has on occasion carelessly shown up on platforms with junta leaders, and seen his appearance instantly exploited by the junta propaganda machine. The gist of the complaint is that Papadopoulos is a brilliant chess and poker player who has made chumps of us.

In defense, the Americans insist that they are telling the junta, privately but in the most emphatic terms, that America intends sharply adverse action, of which public denunciation will only be one part, if the junta fails to announce before the end of the year a date for parliamentary elections.

They also argue that for maximum influence America must apply the carrot as well as the stick: an outright public condemnation at this point would be premature and would simply drive the colonels out of the Western ball park and end any possible outside influence on them.

The defense is not particularly persuasive. It is hard to see a good reason why the United States cannot play poker as well as Papadopoulos or why it cannot reassure the Greek people about its attitude toward the junta and its suppression of democracy. Instead, it lets persist in the mind of the overwhelming proportion of the Greeks—almost everyone but a handful of staunchly pro-Western sophisticates—that we cherish the colonels and support them to the hilt.

It is hard to see any good reason why the American government has not officially and publicly expressed its ourtrage at the indecencies the junta commits against civil rights. Or why it has not shown—as it could, subtly but unmistakably to an audience as politically savvy as the Greeks—that it will support a democratic opposition movement as it develops in the society. The question is how long America can remain equivocal, at least in public, and still convince anyone that it is *not* in love with the junta, or that it is really using what weapons it has to push toward a democratic future for Greece.

SECOND ANNIVERSARY OF THE INVASION OF CZECHOSLOVAKIA

Mr. YARBOROUGH. Mr. President, I have long held a high regard for the courage and strength of character found among the people of Czechoslovakia. After the outbreak of World War II, I requested combat service overseas and was assigned to the 97th Division. This division saw action as a part of the 1st Army in the Rhineland when the powerful Allied armies raced across Europe to attack Hitler's Germany. The 97th was subsequently shifted to General Patton's 3d Army, where it spearheaded the drive to liberate Czechoslovakia. The people of Pilsen rose in defiance against the Nazi occupation forces on May 4, 1945, when students and workers took over the radio station and city hall. The next day, May 5, 1945, the liberation was consummated by the victorious tanks of the U.S. Army which definitively ended the rule of the swastika over West Bohemia. I am proud to have had a small role in this noble effort.

Unfortunately, the Czechoslovak people were not long to enjoy the freedom of choice which they so richly deserved. The demise of Nazi Germany left a vacuum into which the Soviet Union was soon to step. During the summer of 1968, after a long series of frustrations, there appeared to be cause for hope. The people of Czechoslovakia were engaged in a vigorous struggle to prevent the lamp of liberty's faint glimmer of light from being extinguished. The Czechoslovak citizenry, after over 20 years of oppression, had a real chance to restore some of their basic human rights. Unfortunately these hopes, like all the others, were soon to be dashed by the Soviet invasion of the Czechoslovak Republic on the night of August 20, 1968. I was in Prague for one day visit during April of 1969, 24 years after the country's liberation from Nazi Germany. At that time I witnessed the great sadness in the faces of the people who had again lost the freedoms that they had worked so hard to restore.

By the morning of August 21, 1968, the Soviet Armed Forces had completely invaded and occupied the territory of the Czechoslovak Republic. In order to make her brutal act appear more respectable, the Soviet Union was joined by the armies of four other members of the Warsaw Pact in this infamous venture. Since then, only her own forces have remained stationed in Czechoslovakia—a symbol of Soviet oppression and exploitation.

Through this act 2 years ago, the Soviet Union violated the fundamental rules of international law as accepted and practiced by civilized nations, and embodied in the Charter of the United Nations. Czechoslovakia is a sovereign state. The Soviet invasion and occupation violated her sovereignty and independence. The Soviet invasion of Czechoslovakia made a mockery of the hope that the Soviet Union had become a law-abiding member of the family of nations.

By invading Czechoslovakia and occupying her territory, the Soviet Union violated the treaty of friendship that had bound the two countries together since 1943. In that treaty the partners promised to respect each other's sovereignty, independence, and territorial integrity, and not to interfere in one another's internal affairs. The Soviet Union invaded and occupied Czechoslovakia to change certain internal developments in Czechoslovakia so as to fit Soviet interests. Not a single Czechoslovak could legitimize the Soviet Union's conduct.

Finally, the Soviet invasion and occupation of Czechoslovakia destroyed the arrangements that the United States and the Soviet Union had made with regard to Czechoslovakia in 1945. The United States and the Soviet Union had agreed that their Armed Forces, which liberated Czechoslovakia from the Nazi rule and had been stationed on her territory through the first postwar months, would evacuate the country and that Czechoslovakia would not be subject to Allied

occupation. American and Soviet forces left Czechoslovakia before the end of 1945. In the summer of 1968, in blatant violation of that agreement so essential to the balance of power on the continent of Europe, Soviet Armed Forces invaded Czechoslovakia and stationed themselves on her territory permanently.

Since then, Czechoslovakia has been no more than a Soviet colony. The Soviets forced upon the Czechoslovak people, as their rulers, a group of men who have no legitimacy whatsoever. The only source of their power is their willingness to carry out the orders of their Soviet masters. The morale of the Czechoslovak people, once among the highest in Europe, is again at its lowest. The purposeful demoralization of the nation through purges, persecution, and threats is still being carried out at full speed.

The Czechoslovak people are being bled white. Faced with the overwhelming and brutal presence of the Soviet Armies, they cannot raise their own voice in protest. I urge my colleagues in the Senate to appeal to the conscience of the entire world not to leave the Czechoslovak people at the mercy of the Soviet Union. The time has come for the Czech people to determine their own destiny.

REORGANIZATION PLANS NOS. 3 AND 4

Mr. BAKER. Mr. President, when President Nixon submitted Reorganization Plans Nos. 3 and 4 to the Congress on July 9, I prepared a statement in support of these measures for inclusion in the RECORD. For some reason which I have been unable to ascertain, this statement was not printed on July 9. I ask unanimous consent that my remarks be printed in the RECORD.

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

STATEMENT OF SENATOR HOWARD H. BAKER ON PRESIDENT NIXON'S REORGANIZATION PLANS ESTABLISHING A NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND AN ENVIRONMENTAL PROTECTION AGENCY

As a member of both the Public Works Committee Air and Water Pollution Subcommittee and the Commerce Committee Oceanography Subcommittee, I have a considerable interest in the two executive reorganization plans sent to the Congress today.

Reorganization Plan 3 establishes the Environmental Protection Agency as a new independent agency within the executive branch, bringing together in a single organization the major federal pollution control program now existing in four separate agencies and one interagency council. Reorganization Plan 4 establishes the National Oceanographic and Atmospheric Administration within the Department of Commerce, bringing together in a single administration the major federal programs dealing with the seas and atmosphere.

Basically the President is proposing that we order our federal house as a necessary first step for effective national programs to control pollution and to make wise use of our atmosphere and oceans. The EPA will permit the rapid recognition of new pollution problems and early, more effective controls because one agency will be clearly responsible. We must support the new agency, supplying it with authority, funds and personnel, but it is equally important to support the concept that it represents. We must commit ourselves, as individuals and as a nation, to restoring the quality of our environment.

There are many possible approaches to the problem of pollution, some immediate, some long-term. In proposing the formation of the new agency, the President has attacked the immediate problems. But in proposing the National Oceanic and Atmospheric Administration in tandem with this proposal, the President also seeks to work toward an understanding of both the immediate and long-term consequences of environmental contamination upon our lives and our resources.

NOAA is, in fact, an environmental agency formed with in the Department of Commerce around the nucleus provided by its Environmental Science Services Administration. One of its most important tasks will be to provide the basic, multi-purpose environmental monitoring capacity to underpin the national effort to reverse the process of pollution.

This is by no means all NOAA will be called upon to do. It will work to protect the nation against the natural hazards which are ever with us, and will support the industrial, transport, recreational, agricultural and commercial activities of the nation.

The President's Reorganization Plan 4 will bring together an outstanding group of organizations and talents to achieve these high tasks. They include the Bureau of Commercial Fisheries, the Sea Grant program, the U.S. Lake Survey, the Coast Guard Data Buoy National Development Program, the marine sport fish programs of the Bureau of Sport Fisheries, the Bureau of Mines' marine mining technology program, and the Navy's National Oceanographic Data and Instrumentation Centers.

These agencies, and these capabilities—historically effective and respected in their separate efforts—will give the Commerce Department the opportunity to build an environmental team second to none.

I support these two reorganization plans and pledge all possible assistance to overcome the problems these two new organizations are designed to achieve.

EXTENT OF GOVERNMENT INVESTMENT IN LOCKHEED FACILITIES AT MARIETTA, GA.

Mr. TALMADGE. Mr. President, on August 17, during debate on his "fly before you buy" amendment, the distinguished Senator from Wisconsin (Mr. PROXMIRE) said that the C–5 is built in a plant "that is owned by the Government."

Mr. President, I wish to set the record straight on the matter of the Lockheed capital investment in the Georgia facility. To do so, I need to point out that the Government built that plant during World War II. During this time it was known as the Bell Bomber Plant. Following the war the plant was used as a machine tool storage center until it was reopened by Lockheed in 1951 at the request of the Government. The Government's total fixed asset investment in the Marietta plant up until today is about $95 million.

Since 1951, Lockheed has invested $126 million. Lockheed has also arranged leases from private owners of additional assets costing another $46 million.

Therefore, at acquisition cost, the Government's investment represents only 35 percent of the total.

Mr. President, as I mentioned earlier, the Government investment in plant and facilities began during the mid-1940's. Therefore, if one were to estimate depreciated values for the Government's investment as industry does, the earlier Government investment would represent a smaller proportion on the total—approximately 17 percent.

Mr. President, I have here a table which shows the ownership of the facilities at Marietta, Ga. I ask unanimous consent that the table be printed in the RECORD.

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

LOCKHEED MARIETTA PLANT DATA

[Dollar amount in millions]

	Amount	Percent
Company owned fixed assets at depreciated book value	$69.708	62.2
Leased fixed assets at depreciated book value	23.694	21.2
Government owned fixed assets at estimated depreciated book value	18,688	16.6
Total facilities at depreciated book value (June 1970)	112.900	100.0
Company owned fixed assets at cost	126.134	47.0
Leased fixed assets at cost	46,429	17.4
Government owned fixed assets at cost	95.331	35.6
Total facilities at cost (June 1970)	267.894	100.0

THE FAIRNESS DOCTRINE AND TELEVISION BROADCASTING

Mr. DOLE. Mr. President, I wish to report to the Senate today that 36 of the TV stations across the Nation have responded to my request to present contrasting views to answer the "paid" commercials of the so-called amendment-to-end-the-war committee. These stations understand the fairness doctrine and are presenting to their viewers arguments on both sides of this particular issue. The stations presenting contrasting views are as follows:

WSAV–TV, Harrisonburg, Va.
KQTV–TV, St. Joseph, Mo.
KSD–TV, St. Louis, Mo.
KOMU–TV, Columbia, Mo.
WHIS–TV, Bluefield, W. Va.
KODE–TV, Joplin, Mo.
KIFI–TV, Idaho Falls, Idaho.
KCRL–TV, Reno, Nev.
WTAP–TV, Parkersburg, W. Va.
KOAM–TV, Pittsburg, Kans.
KFYR–TV, Bismarck, N. Dak.
KTTS–TV, Springfield, Mo.
WPSD–TV, Paducah, Ky.
KCMO–TV, Kansas City, Mo.
WDTV–TV, Bridgeport, W. Va.
KHQ–TV, Spokane, Wash.
KID–TV, Idaho Falls, Idaho.
KOAT–TV, Albuquerque, N. Mex.
WDBJ–TV, Roanoke, Va.
WSAZ–TV, Huntington, W. Va.
WPRI–TV, Providence, R.I.
WDAF–TV, Kansas City, Mo.
KXYL–TV, Spokane, Wash.
KING–TV, Seattle, Wash.
KCND–TV, Pembina, N. Dak.
KVAL–TV, Eugene, Oreg.
WCHS–TV, Charleston, W. Va.
WVNY–TV, Burlington, Vt.
KOB–TV, Albuquerque, N. Mex.
KRCG–TV, Jefferson City, Mo.
WBOY–TV, Clarksburg, W. Va.
WSTV–TV, Steubenville, Ohio.
KREM–TV, Spokane, Wash.
KMTV–TV, Twin Falls, Idaho.

KTVN–TV, Reno, Nev.
WTVR–TV, Richmond, Va.

A number of other television stations have refused to present contrasting views, but some have indicated that they are adhering to the requirements of the "fairness doctrine." A few responses, unfortunately, indicate only those with money are entitled to express their views on this powerful public media, while other responses indicate that the "fairness doctrine" has been complied with in various ways .

Those stations declining to present contrasting views are:

KVOS–TV, Bellingham, Wash.
WMUR–TV, Mancheser, N.H.
KBIM–TV, Roswell, N. Mex.
WTRF–TV, Wheeling, W. Va.
WOAY–TV, Oak Hill, W .Va.
KXJB–TV, Fargo, N. Dak.
WDAY–TV, Fargo, N. Dak.
KTVC–TV, Ensign, Kans.
KBOI–TV, Boise, Idaho
KOLO–TV, Reno, Nev.
KORK–TV, Las Vegas, Nev.
KGGM–TV, Albuquerque, N. Mex.
KMED–TV, Medford, Oreg.
WTEV–TV, Providence, R.I.
WSLS–TV, Roanoke, Va.
KYTV–TV, Springfield, Mo.
KTVH–TV, Wichita, Kans.
KTVC–TV, Dodge City, Kans.
Cascade Broadcasting Co., Yakima, Wash.

Now that the principal sponsors of the so-called amendment to end the war—which should be designated the "lose the peace amendment"—have entirely rewritten their proposal, I shall again contact the stations which previously declined. The amendment is more meaningless than ever and it occurs to me that the sponsors should return the hundreds of thousands of dollars solicited from the public—based on the original text of the amendment.

CHINA THE REAL WINNER OF OUR INCURSION INTO CAMBODIA

Mr. PELL. Mr. President, Look magazine contains a very interesting article, written by Philippe Devillers, to the effect that the real winner of our incursion into Cambodia is China.

I agree with the thrust of his article and think it would interest Senators.

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:

A FRENCH EXPERT'S VIEW: CHINA—THE REAL WINNER IN CAMBODIA

(By Philippe Devillers)

President Nixon's decision to mop up the Cambodian sanctuary will have long-term results that the American people do not expect. Rather than shortening the war, the move will extend it and make it even more dangerous.

"It was the drop which made the bottle pour out,' Chou En-lai, the premier of China, has said. "Following the sudden overthrow of a royal, neutral and even pro-Western prince [Norodom Sihanouk] by just a group of ambitious politicians and generals supported by the CIA, no government in the world can now feel secure. Now is the time for action."

American intervention in Cambodia has indeed given China a valuable opportunity. For years, it has been waiting to take over the leadership of Asian nationalism and anti-imperialist resistance. The decision has facilitated the work of the Chinese political strategists.

Secretary of State William Rogers indicated recently that he recognized this, when he told an interviewer: "They [the Chinese] have increased their influence with Hanoi as the result of the Cambodian incursions. We think the Soviet Union's influence has decreased at the expense of Communist China. Whether the Communist Chinese have any reason to want to bring an end to the war or not, we do not know. We rather doubt it. We think it serves their purposes to have the war continue, because, in effect, they use Hanoi as their instrumentality for causing trouble."

When Ho Chi Minh died on September 3 of last year—about a week after having written to President Nixon that a bit of goodwill could permit a settlement to take place—the Maoist group in Hanoi, led by Truong Chinh, increased its influence. Convinced that the White House did not want to negotiate seriously, except on the basis of North Vietnam's political surrender, the Maoist group won a shift to the strategy of "protracted war"—protracted until 1972 and the next U.S. President.

Rather than respond to valuable overtures from President Nixon, Secretary Rogers and others, Hanoi and the Provisional Revolutionary Government (PRG) in South Vietnam preferred to use the pretext of U.S. insistence on "mutual withdrawal" and "the legality of the Saigon government" and to remain immobile in Paris. This reflected, perhaps, a stalemate in the political struggle in Hanoi.

There are hints that in the Communist camp other voices were saying that this tactic could not achieve results and could even lead to uncontrolled developments. It would be wiser, they reasoned, not to let opportunities pass.

There was significance, in this respect, to the trips made by Le Duan, Ho Chi Minh's real heir, to Moscow in January, and by Le Duc Tho, the chief adviser to the delegation at the peace talks, to Paris from January 30 to April 10. The "downgrading" of the Paris conference by Washington certainly did not help.

At the same time, in Cambodia, Prince Norodom Sihanouk maneuvered on his own to defeat the "protracted war" plan. He agreed with Prime Minister Lon Nol that something had to be done to press the Vietcong out of Cambodia, and was going to Moscow and Peking to ask them to request from Hanoi more discretion and realism. Both Le Duan and Sihanouk were thus moving in a direction that could have brought a resumption of serious negotiations in Paris—the cheapest way to end the war.

Nixon's Cambodian decision wrecked, for a long time, any diplomatic possibility of a settlement and polarized forces in Indochina in such a way that the United States now can expect years more of fighting there—if the Paris negotiations fade out. This can only raise serious doubts about the quality of information supplied by the American intelligence services or Washington's capacity to assess any situation in Asia.

The President apparently made his decision on purely military grounds: prevent the Vietcong from preparing or launching important offensives while the American withdrawals are proceeding; deprive them of sanctuaries and resources; support Lon Nol's government in its struggle against the VC; accelerate the "Vietnamization" in South Vietnam and save American lives. Indeed, the motivation for the decision was only local and military, linked to the belief in the "necessity" of reinforcing the Saigon regime and maintaining in Paris a political position that Washington knows well to be unacceptable for the other side.

Surprisingly, the decision neglected vital political considerations. The stake was not Sihanouk as man or leader but Cambodian neutrality. On March 18, Paris, Moscow and Peking seemed unwilling to take sides, provided Pnompenh stood firmly on the policy of strict neutrality.

But in Pnompenh, the right wing wanted not only to oust Sihanouk but also the Vietcong. It could not do that without American aid. For this, it had to shift from neutrality to de facto belligerence. And then Hanoi and the PRG had to react. And Saigon and Washington rushed into the trap.

By welcoming Sihanouk (who did not find support in Paris or Moscow) in Peking on March 23, the Chinese Government seized the opportunity to play a wonderful Cambodian card: not with a small and weak Red party or a joker, but a head of state, a Westernized prince. Sihanouk could bring Cambodian resistance, leftist, centrist and nationalist, under the Chinese umbrella and patronage, and give the Indochinese struggle as a whole the look of "nationalism"—putting "Communism" in the background.

At the same time, Peking showed the Hanoi "doves" that they no longer had to rely on Moscow or to trust Nixon. They had only to side with the "Indochinese Front" advocated by Sihanouk—a front that is resolutely anti-imperialist and will find a wide response in the Third World. The Indochinese conference (April 24–25), in which the Chinese did not participate, welded the alliance of the four governments and parties—North Vietnam, Sihanouk's government in exile, the Pathet Lao and the PRG—opposing the United States.

China now looks like the Big Brother and the Great Ally of the Indochinese people struggling for freedom and independence.

Sihanouk and Le Duan can no longer act without China's assent. In Vietnam, Cambodia, Laos and Thailand, Malaysia, Burma, Indonesia and even Bengal, all anti-American forces are now entirely under Chinese patronage and encouragement. No settlement in the area can be arranged without the approval of Peking. China has emerged as the dominant factor in this part of Asia and cannot easily be divested of its role. This means that the U.S. is now in direct confrontation with China, even if for the time being this confrontation remains political and is fought locally by indigenous forces.

In any settlement, the Indochinese people *alone* will act—backed by the Chinese behind the scenes—in the name of independence and democracy, nationalism and self-determination. This clearly puts Washington on the defensive. There is no longer any point to arrange a conference in Geneva, to court intermediaries such as Britain or Russia or to establish an international control commission with "false neutrals." The Indochinese expect, and will be ready for, direct negotiations with the Americans when the time is ripe.

The United States has succeeded in ten years in eliminating neutralism in Asia, and this March, it helped overthrow the last neutral, Sihanouk. Everywhere, the U.S. now faces leftist nationalism, which China has the capacity to help.

Of course, the Soviet Union is not wholly eliminated and will still probably be listened to in Hanoi. Its influence, however, will be weaker than that of Peking, and China has the capacity to counter Russian influence in Asia. It is, therefore, a waste of time for Washington to ask Moscow to pressure Hanoi for "flexibility." Now Washington can negotiate its peace only with the Indochinese.

Faster than Mr. Nixon, the other side has succeeded in "Asianizing" the war.

MORE PRAISE TO THE PORTSMOUTH NAVAL SHIPYARD AND THE DEDICATED MEN AND WOMEN WHO MAKE IT THE BEST IN THE NATION

Mr. McINTYRE. Mr. President, last week I spoke here of the fact that the Portsmouth Naval Shipyard had achieved first place in the Navy's cost-reduction program for 1970. I praised the shipyard, its officers, its civilian leaders, and the thousands who work there and made this achievement possible.

I now have additional facts and figures available which reveal the amazing accomplishments at the shipyard in cost reduction and some of the individuals responsible can now be identified.

First, I ask unanimous consent to have printed at this point in my statement a table showing the results of the cost-reduction program at the shipyard since 1965. During these years these figures showing a saving of nearly $10 million by the shipyard. This table shows that among nine major shipyards, the Portsmouth Shipyard has never rated below fourth in its cost reduction efforts in the last 6 years, and it shows that it has been first among the nine yards during 2 years and second during 3 years.

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

COST REDUCTION PROGRAM HISTORY—PORTSMOUTH NAVAL SHIPYARD

	1965	1966	1967	1968	1969	1970
Annual goal	$5,000,000	$7,500,000	$1,000,000	$1,200,000	$1,696,000	$1,662,500
Cost reduction account	7,970,000	9,462,000	2,100,000	2,040,000	2,114,900	3,748,200
Percent of goal attained	159	126	210	170	125	225.5
Standing among 9 shipyards	2	2	1	2	4	1

Mr. McINTYRE. Mr. President, cost reductions such as have been achieved at Portsmouth do not come from adding machines or computers. These reductions come because there are dedicated men and women who work hard, such as Capt. D. H. Kern, the commander of the shipyard, and Mr. D. T. Sowerby, the cost-reduction program manager.

Under the direction of these leaders, the able workers at the shipyard have achieved these reductions. I am proud to say that many of these workers live in New Hampshire and I would say a special word of praise to them. I would also like Senators to know who they are, for during the last year alone they brought about more than $2 million of the cost reductions.

Mr. President, I ask unanimous consent to have printed in the RECORD, the names of these New Hampshire citizens and a brief description of the awards they so richly deserved.

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

N. R. Turgeon, Somersworth, N.H.: Received a Navy certificate of merit from the Naval Ships Systems Command, Washington, D.C. Mr. Turgeon's principal cost reduction item resulted in the elimination of the scheduled procurement of 32 Sub Safe piping components for the USS TINOSA and the USS HADDO. In addition, he directed a review and analysis of the scheduled work on the main propulsion train of the USS TINOSA, USS HADDO, USS POLLACK and USS JACK which reduced or modified the requirements while still meeting overhaul objectives and directed a procedural modification which utilized naval personnel to accomplish the work of removing and replacing all deck coverings during submarine overhauls.

Robert W. Burton, New Castle, N.H.: For outstanding performance in administration and support to the PNSY Public Works Dept's Cost Reduction effort.

Michael A. Cyr, Somersworth, N.H.: For outstanding performance in administration and support to the PNSY Production Dept's Cost Reduction effort.

Clay B. Tucker, Exeter, N.H.: For outstanding performance in administration and support of the PNSY Cost Reduction effort in the PERA (SS) Dept. Mr. Tucker's efforts were a significant factor in the PERA (SS) achievement of 47.4% of the validated total shipyard savings.

Bernard L. Bergeron, Dover, N.H.: Improved installation of value hangers by utilization of asbestos tape thus eliminating slippage and misalignment.

J. A. Coellner, Hapton, N.H.: Reported a cost-saving action for the procurement of torpedo rammer control valves on a multi-ship-basis.

R. M. Grossman, Portsmouth, N.H.: Reported three cost-saving actions that resulted in a substantial reduction of Fleet Ballistic Missile Weapons information sheets sent to other activities and a tech spec modification which reduced the man-days required for engineering drawing preparation.

George W. Marston, Dover, N.H.: Eliminated duplicate inspection of material that was a direct delivery item to a production shop and modified inspection procedures to make them responsive to the value of the material.

W. J. Minnon, Jr., Exeter, N.H.: Reported two cost-saving actions involving the identification and utilization of surplus material.

Domenico DiBona, Dover, N.H.: In collaboration with James H. Pike III improved method of lagging pipe to facilitate location of valves and joints.

Roger A. Blouin, Newmarket, N.H.: Suggested a new technique for restoring undersized bearing seats on submarine auxiliary motor shafts eliminating the need for remachining.

Kenneth D. Lurvey, Portsmouth, N.H.: Took action to show that the use of aluminum-bronze nipples in a submarine's electronic fresh water cooling system were corrosion free; thereby eliminating the scheduled replacement purchase of 19 CRES nipples.

John K. Hall, Hampton, N.H.: Consolidated the review of Technical Repair Standards by individual shipyard and developed standardized tests for restoration of electric submarine motors.

Richard P. Millette, Hampton, N.H.: Recommended by the utilization of refurbished secondary propulsion motors thus avoiding the re-docking of two submarines at a late date; consolidated individual shipyard planning effort for refurbishment of complex submarine components.

Paul E. Moody, Hampton, N.H.: Had inspection requirements modified for submarine torpedo ejection pump cylinder heads and eliminated the necessity for removing the pumps.

P. W. Smith, Stratham, N.H.: In collaboration with C. S. Bilodeau reported two cost-saving actions which significantly reduced the amount of work involved in the development and issue of drawing and material ordering schedules.

A REQUEST FOR EXPLANATION

Mr. CHURCH. Mr. President, the recently concluded Executive agreement on extending our use of military bases in Spain has stirred misgiving among Members of the Senate. The Foreign Relations Committee has called for hearings at which administration spokesmen would appear before the committee and explain—perhaps "translate" would be a better word—the meaning of the executive agreement.

An editorial published in the Rexburg Idaho, Standard takes the same point of view. The editorial suggests that the Nixon administration "has not made a convincing case" that the accord be in form of an executive agreement, rather than a treaty subject to ratification by the Senate. The editorial state:

At very least, however, the administration should respond to the Foreign Relations Committee's promised demand that it explain, in public, and on the record, what the agreement involves.

I agree and ask unanimous consent that the editorial published August 11, 1970, under the title "The Agreement With Spain," be printed in the RECORD.

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

THE AGREEMENT WITH SPAIN

There are strong arguments on both sides of the running controversy over presidential and senatorial power in the conduct of foreign affairs. Neither the administration or Chairman Fulbright and other members of the Senate Foreign Relations Committee have all truth by the tail in this many-faceted dispute.

Having noted this, we come down on the side of Fulbright and like-thinkers in the matter of the new military agreement with Spain. This extends for five years the U.S. right to air and naval bases in that country, in return for loans and grants which may total as much as 400 million dollars.

Such an arrangement, we believe, should have been made in the form of a treaty requiring the advice and consent of the Senate. It is not palatable that, instead, the extension is embodied in a mere executive agreement on the basis of prolonged negotiations in which the Senate played no part.

The administration maintains that no stated or implied commitment to defend Spain against attack is involved, and that therefore the agreement need not be in treaty form. This may be so, but the assurance is not wholly convincing. We think it significant that members of the Foreign Relations Committee have doubts on this point and others.

Sen. Frank Church of Idaho, for example, said he spoke for a majority of the committee in remarking, "I don't approve of secret deals with the Franco government, particularly of the kind that could involve us in a war." He further said, "I think the committee, the Senate and the people of the United States are entitled to know what this agreement is all about" and added: "Without question it (the executive agree-

ment) deals with a prolonged involvement in Spain of such importance that it ought to be the subject of a treaty."

The administration has not made a convincing case to the contrary. Now that the executive agreement has taken effect, perhaps the Senate will not be able to do anything about it. At very least, however, the administration should respond to the Foreign Relations Committee's promised demand that it "explain, in public and on the record, what the agreement involves."

Someone's figured that the U.S. population is shifting westward at the average rate of 58 feet a day. There just doesn't seem to be anything stable and certain about life anymore.

ARTICLE IN AMERICAN LEGION MAGAZINE CALLS FOR ALTERNATIVE HEALTH SYSTEMS

Mr. YARBOROUGH. Mr. President, one of the most significant problems our society faces is our health crisis. Too little has been proposed, and there has been too little discussion of the alternatives we must choose from to deliver improved health care to our citizens at a reasonable cost.

American Legion magazine for August, 1970, contains an article entitled "Better Medical Care at Less Cost is Possible," written by Roul Tunley. Because of the article's contribution to the discussions of improved health delivery and its relation to a national health plan, 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:

BETTER MEDICAL CARE AT LESS COST IS POSSIBLE

(By Roul Tunley)

In the matter of medical care and doctors' bills, America's patients have been just that—*patient*. But at long last, after a generation of frustration, it looks as though relief were on the way. Better medical care at less cost is not only possible, but a small section of the American public has been enjoying it, almost unnoticed, for a quarter of a century.

Today, the medical situation has gotten so bad for the rest of us that all of a sudden more people are paying attention to those lucky few who are members of what are called "prepaid group practice" medical plans. Perhaps the rest of the long-suffering public, and doctors too, will join them in the near future.

For years we've been talking about doctor shortages, hospital shortages and inescapably high and rising costs. And as long as we talked, things just got worse. We concerned ourselves principally with how to pay the bill and argued about the need to socialize the *cost* of medicine—with sparks flying on all sides of the argument.

Now there is increasing evidence that the experts are beginning to realize what the rest of us have known for a long time—that the sickest thing around is the delivery of medical care. It's not so much the question of where to find the money as it is the costly and wasteful method by which we receive that health care.

Anyone who has had to wait three months to see a specialist, anyone who has waited two hours in a doctor's office *after* he got his appointment, anyone who's tried to persuade a physician to make a house call, anyone who's struggled to pay a medical bill which he thought was covered because he had insurance *knows* that something is wrong.

No one doubts that we have good medicine and fine doctors. But who wants to keep reading about miracle heart transplants when the business of affording regular shots for the kids seems more and more of a miracle? And who wants to renegotiate the mortgage just because a parent has had a longer hospital stay than Medicare allows? Especially when you know that right across the border in Canada no one has had to pay a hospital bill in ten years—or that about 5 million are already getting better care at less cost right here at home, with about 2 million of them in a primarily West Coast "group practice" plan that dates all the way back to WW2.

The trouble with the traditional practice of American medicine is not the medicine or the doctors. The trouble is the distribution and financing. Or rather the lack of any sensible system for either of them. And the results are health statistics that, compared with other countries, get worse all the time despite all those headlines about miracle drugs and operations.

For example, according to the latest United Nations survey, a boy in America today can expect a shorter life than a boy in 21 other countries, and it's not a great deal better for girls. If you're an American mother, you have a better chance of dying in childbirth than in 11 poorer nations. Moreover, our infant mortality gets worse each year. We were sixth among Western nations in 1950. Today we're down to 16th! And let no one tell you this is because the unfortunates in the ghettos "spoil" the statistics. Someone recently eliminated all minority groups and found we *still* had inferior ranking in infant mortality—10th! While other countries continue to increase their life spans, ours has stopped expanding and actually started to decrease for the first time in years. No wonder that at an international conference on health in Holland almost a decade ago an American heard his country described as "undeveloped."

No one spends more on medicine than we do. The proportion of our gross national product now going into medical care is the highest in the world—almost 7%, or $63 billion. Moreover, the rate of increase is such that, if it continues, it will reach the absurd point of absorbing *all* the gross national product by the next century. In other words, after doctors, hospitals and drugs are paid for there won't be anything left for food, clothing or shelter, to say nothing of education, defense or the salaries of politicians. And if comparative trends hold, we'll be even further behind other countries. Naturally it can't go on like this, and it doesn't have to. It has already been proved here and abroad that the problem is simply one of organization and *not* a shortage of doctors, hospitals or money. We are spending all the money on medicine that we need to spend. We have all the doctors and hospitals required to deliver the kind of health care we need. The main reason we don't *seem* to have such doctors and hospitals is because we are still stuck with an archaic, outgrown system—a curious anomaly for a nation that prides itself on its organizational genius in business, in science and in production generally. According to Harvard Medical Deal Dr. Robert H. Ebert, our doctors operate "one of the last of the pushcart industries." It's costly, inefficient and dangerous.

Because of a number of factors, but largely the opposition of organized medicine—which in its time has opposed everything from Blue Cross to Social Security—we are the only industrial nation in the world without some form of national health plan. And because we have been unwilling to solve our problems on a coordinated, nationwide scale, we are now trapped between the grinding millstones of skyrocketing costs and giant shortages in doctors, hospitals and facilities. President Nixon has rightly called it a "massive crisis."

The symptoms are everywhere:

1) Hospital costs have gone up 100% faster and doctors' fees 50% faster than the cost of living. By the end of this decade, experts predict hospital rooms will cost $400 to $600 a day.

2) In rural areas, there are thousands of communities that have no resident doctor. It is estimated that one out of 50 Americans cannot get a doctor under any circumstance.

3) City areas look better off on paper, but for vast segments of the population they might just as well be living in the Sahara as far as doctoring goes. New York, for example, has a high doctor ratio of one for every 360 citizens. Sections of Park Avenue seem to have nothing but doctors' offices on the ground floors, but there are ghetto areas where the ratio is worse than one doctor for 10,000 people. We're told we need 55,000 more doctors and 85,000 more hospital beds immediately. That's probably true if we stick with our present system, but meanwhile, the system isn't producing them.

4) Voluntary insurance leaves disastrous payment gaps. Although roughly 80% of Americans have some sort of medical insurance, it pays only a third of the total medical bill.

Faced with rapidly worsening conditions, medical watchers say we have a strong climate for change, and that we'll have some form of national health insurance within two to five years. In fact, a recent Harris poll indicated a majority for the first time (51%) favoring a Medicare-like plan for all ages.

"It's no longer a question of *whether* we'll have a national plan, but *when*," says. Rep. Martha Griffiths, of Michigan.

The air, especially in Washington, is thick with proposals.

But what sort of national health insurance? If it is to be just another way of paying the bills it won't get us very far. In fact, Dr. Sidney Garfield has been warning of disaster ahead if all we do is set up an assured bill-paying system for everybody under a federal plan. The present doctors and hospitals, with their archaic system, would be snowed under by a rush of patients who could afford good care for the first time in their lives. Nobody could cope with the rush, says Dr. Garfield, who set up the remarkably successful Kaiser "group practice" system on the West Coast back before WW2.

Most of the proponents of various national health insurance plans, except the American Medical Association and some (not all) insurance companies, are tuned in to Dr. Garfield. Their proposals for national health plans include some sort of reorganization of medical practice in line with the tested and proven "prepaid group practice" concepts that Dr. Garfield pioneered.

Although such practice is operating today in only about a dozen cities and involves no more than 5 million Americans, repeated studies have shown that the savings in cost, doctors and hospitals, as well as the achievements in health, are overwhelming. The basic idea is unbelievably simple. You pay your medical insurance premiums regularly to a medical group—and it then gives you whatever care you need. While there are all sorts of details, basically that's it!

If that seems just too simple to be an answer to the medical problems we're burdened with, let's look briefly at a couple of extreme cases of personal medical disaster, in and out of "group practice."

The Wall Street Journal of last May 7 featured the medical catastrophe of a Virginia Beach, Va., couple, John and Betty Baines. Their little daughter, Karen, was stung by a bee and developed nephrosis (a serious kidney malfunction). In one year and four days the costs came to $57,794, and Karen apparently needs four more years of the same if she's ever to be normal. The medical insurance ran out almost before care

had fairly begun, although the insurors bent over backward to pay all they could under the contract. The Baines' pediatrician, Dr. Harriett Guild, never even sent a bill. Baines said he wouldn't think her wrong if she charged $20,000 for the care she'd given Karen. Johns Hopkins University came up with some special funds to help the family out. Though John Baines is a top level executive in a large firm, he and his family are now strapped financially while the catastrophe stretches out farther ahead than behind.

Under a contract like Kaiser's, Karen's care would have been assured at no additional cost above the premiums Baines would have been paying regularly. The Baineses would not have gotten off scot free, because there were costs at home to readapt to Karen's predicament, but tens of thousands of dollars worth of care under the old system would simply have been given with no billing.

Let's look at a Kaiser patient in need of costly care. Mrs. Cathlyn Albanese, of San Diego, told—on a CBS telecast—what happened to her. "About Thanksgiving time," she said, "I had an operation at the Kaiser Hospital in San Diego and they discovered that I had cancer. They don't have the cobalt equipment in the Kaiser Hospital in San Diego. So they brought me to the Kaiser Hospital in Los Angeles. I was concerned because I thought it would be very expensive and I'd have to pay for an apartment and they told me, no, I didn't—that it was completely furnished at no cost to me at all. The apartment is one bedroom and it has two beds, and linens, and it's quite large for a one bedroom. We have maid service, and it's quite nice as you can see. My husband comes up on weekends and takes me home and then we come back on Monday, and Monday and Tuesday are his days off so he stays with me then and then he goes home. I'll be here for six to eight weeks, approximately 34 treatments. It's five-day a week—Monday through Friday—therapy The cobalt treatment won't cost me anything. It's all furnished with the plan."

But getting whatever care you need is only a small part of the story. The unique thing about prepaid group practice is that it has a built-in incentive for doctors *to keep patients well and to hold costs down*. Other plans like Medicare, Medicaid, Blue Cross-Blue Shield and private insurance schemes merely pay bills (or part of them) *after* they've been incurred. Under these plans there's no real incentive for doctors either to save money or to keep people well by practicing preventive medicine, while there is an incentive to run up the bills. For this reason, prepaid group practice has been called "health insurance" and, by contrast, all other forms "sickness insurance."

Let's see how this works by taking a look at the largest, and possibly the best, of the country's group practices—the famous Kaiser Plan.

Starting back in the Depression, California's Dr. Garfield conceived the idea of giving total medical care for a fixed fee to Kaiser workers on the Colorado River project. The idea was adopted for all of Henry J. Kaiser's shipyard workers during WW2. After the war, when most of the workers had gone home, the rolls were opened to the general community. From 9,000 members in 1945, the Kaiser Plan has grown to 2 million today, embracing all income levels from gas station attendants to university presidents. Having its own doctors, hospitals and outpatient clinics, the plan grows steadily at the rate of about 10% a year. It could grow faster if hospitals could be built and doctors enrolled more quickly. Moreover, it's operated along strictly business lines. The plan, except for one minor instance, has never accepted a penny of government support and has never launched any community drive for funds.

"We're incredibly capitalistic," remarked a Kaiser spokesman recently. "You can't tell our board meetings from General Motors', except the product is different."

Kaiser doctors have absolute control in medical matters. And they are never inhibited in choosing a course of treatment by uncertainty over whether the patient can afford to pay. They know it will cost him nothing more than he has already paid. They also have free choice of patient, just as the latter has free choice of doctor. When members are first enrolled, they are given a fairly long list of doctors in the group from whom they choose a "family" physician, either an internist or a general practitioner. Some keep him for years; others change. When they need a specialist, they are referred to a Kaiser consultant by their "family" doctor. If they need hospitalization, they get it promptly. The only extra charge is $1 or $2 for an office call, just to keep the patients from dropping in to waste time.

Dr. Garfield described the Kaiser plan in a recent issue of Scientific American as follows:

"Since 1945 the plan has grown of its own impetus, without advertising, to its present size: more than 2 million subscribers served by outpatient centers, 51 clinics and 22 hospitals in California, Oregon, Washington and Hawaii and in Cleveland and Denver. The plan provides comprehensive care at an annual cost of $100 per capita, which is approximately two-thirds the cost of comparable care in most parts of the country.

"The plan is completely self-sustaining. Physical facilities and equipment worth $267 million have been financed by health-plan income and bank loans (except for gifts and loans to the extent of about 2%). The plan income provides funds for teaching, training and research and pays competitive incomes to 2,000 physicians and 13,000 non-physician employees."

For your $100 a year you get the medical care you need. There's no complex contract putting elaborate fences around what's covered.

Kaiser costs have gone up less than half as fast as general medical costs, largely because of its unique, cost-conscious structure. For example, each year Kaiser doctors negotiate a contract with the plan. In return for a fixed sum of money, they agree to give complete care, including hospital but excepting some things like dental care, to all members. If any money is left over at the end of the year—and it always is—the funds are divided as a bonus among the physicians, in addition to their regular salaries. Doctors at Kaiser currently average about $36,000 a year, although some range up to $60,000. These figures, plus regular hours, paid vacations and generous pensions are enough to attract top physicians.

There is another factor working toward superior doctors. Since sloppy medical care can lead to expensive treatment and long hospitalization, both of which affect year-end bonuses, Kaiser doctors choose their colleagues with extreme care. New physicans serve a probationary period. If they prove incompetent, wasteful or too prone to surgery, they are dropped. In this way, doctor quality remains high.

So does patient care. Members are urged to have routine checkups, Pap smears, electrocardiograms, shots and all the other safeguards of modern medicine. Since there is only a minimum financial barrier to office visits, symptoms are unlikely to run on without being checked. With no incentive for unnecessary surgery, Kaiser members have only half as many operations as those with comparable coverage in Blue Cross-Blue Shield or private indemnity plans which do not have such effective roadblocks against useless surgery. Moreover, many diagnostic procedure (x-rays, etc.) which people go to hospitals for because that's the only way to get the bills paid under their hospital insurance, are handled in ambulatory, outpatient clinics at Kaiser. The result of all this is that Kaiser patients spend only half as much time in hospitals as those with the other plans. Thus hospital care, the most fantastically expensive item in the whole health package, is kept to a minimum—something that the government operators of Medicare and Medicaid envy and would like to emulate.

Kaiser's success in keeping costs down and care up is probably the best in the country. But other prepaid group practices around the country are doing well. New York City's Health Insurance Plan, for example, is the second largest in the country (770,000 members), and it has been giving better-than-average care at less-than-average prices for several decades. Despite the handicaps of not owning its own hospitals (like Kaiser) and not being as fully organized, its records in infant and maternal mortality are considerably better than the rest of the city, even those using private, fee-for-service practitioners.

The improvement that systematic, group medicine can bring to people was dramatically demonstrated several years ago when H.I.P. agreed to enroll half the city's Medicare patients on old-age assistance, i.e. 13,000 persons. This gave researchers a chance to compare these people with the other 13,000 outside H.I.P. After the first year, the record showed no difference in mortality. But after the second year, when H.I.P. care had a chance to make itself felt, the group's Medicare patients showed *14% less mortality than the others.*

Since the success of group practice depends largely on attracting and holding good doctors, care is taken not to waste their time and skills in doing things that can be done by less highly-trained assistants. For example, group optometrists (vision testers and eyeglass prescribers) do routine eye exams and refractions. Scarce ophthalmologists (eye physicians) are thus saved for disease and surgery. With children, nurses take histories, weights and measurements, give injections and do other things that do not require the attention of busy baby doctors. Moreover, automated, multiphasic health testing is often used to save time in checkups, and there's a liberal use of nutritionists, health educators, social workers, psychiatric assistants and other non-doctor medical technicians whenever possible.

Best of all for the patient, group medicine is practiced in a fishbowl. Doctors are always looking over doctors' shoulders so that, unlike private practice, shoddy medicine and downright mistakes cannot be hidden. A Columbia University study, made for the New York Teamsters Union, once found that as high as 33% of hysterectomies are unnecessary. And in a study of the care of federal employees, group practice's hysterectomy and appendectomy rate was only half what it was among those covered by Blue Shield. Tonsillectomies were only a quarter as many.

In spite of the excellent record of prepaid group practice in providing quality medicine at lower cost, however, and despite the fact that every study examining it has ended with its recommendation, progress has been slow. Largely this is because of the determined opposition of organized medicine, often at the lower level, which has looked upon any change in traditional methods as a threat. Even today there are 17 states which still have restrictive laws called "Blue Shield Acts" which prohibit group practices like Kaiser from operating.

Despite this opposition, the enthusiasm for group practice has never been higher. "This is because those who are chiefly concerned with national health are worried, and as they look around, the only thing they see on the horizon that works is group practice," says Louis J. Segadelli, of the Group Health Association of America.

In any event, almost all medical planners are making group methods a part of their proposals. The Administration is encouraging such groups, private insurance companies are starting them, even Blue Cross is involved in setting up several. In addition to the 12 cities with established plans (San Francisco, Los Angeles, Honolulu, Seattle, Portland, Denver, St. Paul, Cleveland, Detroit, Washington, Philadelphia and New York), new ones have recently been inaugurated in Cambridge, Mass.; New Haven, Conn., and Columbia, Md. Other plans are being readied for Providence, Nashville, Cincinnati, Newark, Pittsburgh and Phoenix. And the Group Health Association has just received a government grant from the Public Health Service to set up 18 more across the land.

Interestingly enough, even the most loosely-structured groups, hastily thrown together and without the careful planning of a Kaiser, seem able to achieve better-than-average results.

Not long ago, for example, the state of California contracted with the regular medical society in the San Joaquin valley to give all necessary care to those eligible for Medicaid. It turned over to the society those funds that the state planned to spend that year. The doctor members knew that if bills got out of hand, if one practitioner got a lion's share, or if someone had an expensive illness as a result of incompetent treatment the others would have to pay for it. Consequently, they set up a review board to police the quality of care, using computers to spot deviations from the norm.

The result was that even though doctors were paid on the traditional fee-for-service basis, they not only managed to treat all who came to them but even had $200,000 left over at the end of the year which they returned to a startled state finance department.

The San Joaquin experiment was important in that it encouraged national health planners to insist we don't have to wait until the entire nation develops group practice before we embark on a universal scheme. We can, they say, contract with almost any group of doctors—medical society, hospital, school, even those linked by nothing more solid than being in the same "medical arts" building.

They also insist that with medicine organized on a group basis, the country has all the doctors and hospitals it needs, and that present shortages are artificial, induced by a wasteful and inefficient non-system.

There is plenty of evidence to support this argument.

For example, it has been repeatedly established by outside survey that Kaiser gives as good or better care than is generally available by using a doctor ratio of one per 1,100 patients. Group practices as a whole average one per 1,000. On this basis, we'd need only 200,000 doctors to care for *every* man, woman and child in the United States. Since we have between 275,000 and 300,000 physicians practicing at the moment, there would be plenty of physicians left over for research, teaching, administration or just practicing privately if that was what they wanted.

As for hospitals, we now have 3.9 beds per 1,000 people for the country as a whole. We are told this is not nearly enough. Yet Kaiser manages to meet *all* the hospital needs of its 2 million members with a ratio of only 1.7 beds per 1,000, *less than half the national average*. On this basis, we have far more beds than we need.

Certainly some sort of organization is needed to prevent hospitals from acting like jealous little empire-builders, acquiring expensive equipment for status purposes rather than for the community's needs. Moreover, through charity drives they're constantly asking citizens . . .

In Denver, for example, there are four hospitals within a five-block area all of which have costly cobalt radiation treatment centers. Since these are used less than 50% of the time, the duplication not only wastes money but the medical talent to staff them as well.

In New York City, there are 18 open-heart surgery teams in 18 different hospitals. Yet nine of them do 90% of all the operations. This is not only a misuse of one of the costliest services in medicine but a dangerous one as well. For, unless such a team performs at least one operation a week, its statistical chance of success has proven to be poor.

Since this kind of medical extravagance would come out of doctors' pockets at Kaiser and other groups, such duplication of costly skills and equipment is virtually unknown.

All in all, the record of prepaid group practice has convinced the experts that the old methods of practice are not good enough. The group way is less costly and more productive of good health. The old charge of organized medicine that group practice is "assembly-line" medicine no longer seems valid. On the contrary, people are realizing that just the opposite is true. For, group doctors, freed from having to worry about whether a patient can afford it, are able to practice "purer" medicine. They also are finding, incidentally, that they can earn more money than in private practice—and have decent hours, too. On balance, prepaid group practice appears to many doctors to be less radical than our present Medicaid system in which the poor run up bills of varying amounts to be paid by the government.

"It's the only effective answer to socialized medicine," says Dr. J. Fenimore Cooper, one of Kaiser's top specialists, who feels that the profession should rally round the prepaid system.

Indeed, what is more American and less socialistic than accepting a private job at an agreed wage, price or salary scale? That's how almost everyone else works.

Certainly, with costs going through the roof and with medical care being priced out of the reach of even the middle class, few planners see much sense in just pouring more and more money into the old, leaky system in which more and more people bid for the services of too few doctors and facilities and drive prices even higher. The feeling is that what we need now is a drastic overhaul of the way medical care is delivered, not just more oil.

With all our medical problems, one might expect an air of pessimism. We're spending more than anyone else and not getting as good results. But the opposite is true: medical reformers today exhibit an air of optimism that is almost heady. Precisely because we *have* reached such a low point, they say, and because the achievements of group practice are so heartening, we have a better chance now than ever before of getting the kind of national health plan that will provide America with the quality of care we can not only afford but have long been capable of delivering, namely, the best in the world. And this time they feel it will have built into it that philosophy that Americans have learned the hard way: it's cheaper to *keep* people well than to *make* them well!

THE REAL SOVIET PLOY IN THE MIDDLE EAST

Mr. GOLDWATER. Mr. President, during the course of debate on the military authorization bill, we have heard remarks from several Senators, particularly those who serve on the Foreign Relations Committee, relative to the situation in the Middle East. I cannot recall, however, ever hearing any of these Senators discuss what should be obvious to every Senator, the real Soviet ploy in the Middle East. I think it should be obvious to any student of foreign affairs that the Soviets are not there to help the Egyptians; they are there to gain control of the Suez Canal either by force or by requiring Nasser to recognize this control in return for helping them against the Israelis.

The central question as many of us see it is whether we should face up to the Soviet challenge now or wait a few years, when our strategic situation will have deteriorated to nothing.

One of my best sources for information on this ticklish part of the world has always been Dr. William R. Kintner of the Foreign Policy Research Institute of the University of Pennsylvania. He has written a paper which I think every Senator should read. The paper is entitled "The Soviet Orchestration of the Middle East Crisis." I ask unanimous consent that it be printed in the RECORD.

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

THE SOVIET ORCHESTRATION OF THE MIDDLE EAST CRISIS

PRELUDE

The Soviet Union has designedly transformed the Arab-Israeli conflict into an adroit campaign to upset the world balance of power. Yet Washington appears to act as if the Arab-Israeli dispute still overshadows the emerging test of will and power between the Soviet Union and the United States.

Soviet offensive strategy in the Middle East has been masked under the cover of providing Egypt assistance in defending the West Bank of the Suez Canal. Its ultimate purpose is to force Israeli withdrawal from the Canal's East Bank. If this maneuver succeeds, the tenuous balance of power that now exists in the Middle East will be shattered beyond repair. If the scheme is to be checked the United States may be confronted with what an Eastern European diplomat has described as a Cuban Missile Crisis in reverse with momentous consequences for all mankind.

Soviet policy in the Middle East since 1967 has been persistent and logical. By supporting the Arab position morally, militarily, and politically the Soviet government has eliminated any American overtures to the Arabs which do not compromise the Israeli bargaining position. From Mr. Nasser's viewpoint, Soviet help served to keep him afloat until the U.S. (the only power sufficient to pressure the Israelis) weighed its interests against Soviet influence and found the Israelis not worth the cost. If the Soviets could obtain sufficient credit for the results, then Soviet positions would be ratified and Egypt could resume her "neutrality." Moscow need be relied upon rigidly only long enough to detach or isolate the U.S. and Israel.

The Soviet government, which conducts a Great Power policy, understands better than the Egyptian government that Egyptian "neutrality" after such a Soviet triumph would be imaginary. In this respect, although there is a distinction between Mr. Nasser's wishes and Mr. Brezhnev's object, there is no difference in the end. The Soviets are perfectly agreeable to detaching the Israelis and pressuring the Americans. As for Nasser's waning independence, the Soviets

would at least save Nasser from his worst enemy: himself.

As for the U.S., the Nixon Administration decided that a show of detachment from Israeli policy might restore American influence in Arabia, while incidentally enabling the Soviet government to detach herself from the Arab states. Then the two powers could negotiate a settlement. This was the rationale for the Rogers Plan. The plan itself proposed that the Israelis withdraw to "negotiated and secure" boundaries in exchange for "binding" Arab commitments to peace. In any case, the new boundaries might involve only "insubstantial adjustments" in territory. While peace and security were thus established, the refugees and status of Jerusalem could be settled. The refugees would be either paid off or repatriated to pre-June 1967 Israel, since the West Bank must be returned to Jordan. Jerusalem should be administered in light of "its international character."

By proffering the plan in the Four-Power talks without reference to the immediate situation in the Middle East, the United States spared the Soviet Union a nasty wicket. Working against time, Mr. Nasser had convinced himself that he could not await the deliberations of the Four-Power gentlemen in New York and survive. Palestinian guerrillas were active already on other fronts. Occasional artillery barrages along the Canal Zone were not enough to return Nasser to the forefront of Israel's opponents. In April 1969, the Egyptian government proclaimed the end of the cease-fire. The Egyptian Army opened an artillery offensive. Despite testimony of U.N. observers that Mr. Nasser was not whistling when he took this responsibility, *neither the U.N. nor the Western powers did anything.* Nor were Four-Power talks made contingent upon the official cessation of hostilities. In short, the war resumed, *while the diplomats behaved as if they were considering peace.*

Since a great weight of Soviet-supplied artillery had to be used against the entrenched Israeli positions on the East Bank of the Suez Canal to make Nasser's War of Attrition effective, the Soviets must have been astonished to receive an American peace plan, which not only required the resurrection of Hussein—whose position had become almost hopeless between the guerrillas and the Israeli Army—but necessitated a Soviet-American condominium to work. Was it not evident that the U.S. feared to be alone with Israel, and wished to avoid any clear choice between Israel and Arabia—hence its "neutrality?"

The Soviet government might have accepted the Rogers Plan at once if both powers had arrived at it through a joint communiqué. However, with no pressure about the cease-fire violations, and the spirit of compromise in the Rogers Plan, why should the Soviet government allow advantage to the U.S.? Would Mr. Brezhnev compel the Arabs to abandon their 1967 Khartoum summit conference position of no negotiation, no recognition and no concession, for the sake of restoring American influence with the Arabs? Should the Soviet Union pay for a détente in the Middle East with the compromise of its clients?

The Soviets thus had proof, buttressed further by the delayed Phantom jet affair, that their initial premises were correct. American policy would not stand on Israel alone for fear of jeopardizing U.S.-Arabian interests. At the same time, the U.S. would not contest Egyptian renewal of the war, so long as the Soviets were not "directly" involved.

Mr. Nasser's game, in turn, became easier. He had only to proclaim the dawn of coming Arab victories. When the inevitable Israeli retaliation embarrassed these proclamations, he had only to threaten the Soviets that he might be "lost" without fresh evidence of their support—artillery, missiles, and eventually Migs, all of which had to be Russian manned or directed if they were to be effective.

The Israeli government, a quaking coalition unable to decide minimum or maximum terms, settled upon a diplomacy fit for the least likely situation: both victor and defeated should sit together, bargaining out the oddballs in either camp. The only acts Mrs. Meir's government seemed able to countenance were inertia, and meeting force with force. The last policy went seriously awry when Israeli bombing in Central Egypt provided the justification for Russian pilots and SAM–3 defenses.

While the Soviets have helped to isolate Israel and the U.S. by simple intransigence, they have chosen physical involvement to save Nasser from himself. The only risk they face lies precisely in the last point. Prestige has its inertia, too. As Dean Acheson wrote: "Prestige is but the shadow of power." Mr. Nasser's prestige and Soviet power are now entwined.

INTERLUDE

It has been held that fear of confrontation prevents either major power from unilateral intervention with its own forces in the Middle East. This thesis derives from the same simple logic sustaining the détente. The U.S. and USSR are equal in their capacity for mutual nuclear destruction. Serious confrontations in exciting circumstances change this devastation. These confrontations are therefore to be mitigated or avoided. But the notion of détente is also based on the willingness of one power to meet the other should the challenge be presented. The spirit of détente is devoted to eliminating these "challenges."

Thus, détente in the Middle East rests upon a willingness of one power to meet an intervention of another power with its own, and the fear of both powers regarding the ensuing confrontation. Should either the U.S. or the USSR conclude the other unwilling to meet such an intervention, then the fear of confrontation sustaining the logic of détente recedes or disappears.

To avoid such a test, Secretary of State Rogers launched a fresh diplomatic initiative in June to stop the fighting along the Suez Canal. There were two main specifications in "the American initiative." The first called for a 90-day temporary cease-fire. The second asked for all parties to negotiate through Mr. Jarring on the U.N. resolution, as interpreted by Mr. Rogers in his original approach. This overture sustained Soviet and Arab assumptions. For if it were true that the U.S. feared "confrontation" with the Soviet Union, and feared isolation with Israel for its oil and strategic interests, then U.S. policy could be expected to take two directions. First, the United States would wish to avoid or lessen the chance of confrontation. Second, the Israelies must be pressed for some concessions, while at the same time the U.S. publicly refrains from dispatching military supplies.

In a televised appearance on July 12, 1970, Undersecretary of State Joseph Sisco confirmed these impressions. The purpose of *not* announcing a sale of U.S. jets was twofold: (1) not to "provoke" further "destabilizing" maneuvers by the Soviet Union or the Arabs, and (2) to make the Israelis more amenable to the Rogers initiative.

In late June and early July, President Nixon evidently decided the situation was approaching a confrontation. In his press discussion of July 1, and in subsequent briefings, Mr. Nixon and his staff issued sternly phrased warnings to the Soviet Union. The U.S. would do what was "necessary," even into confrontation.

Unfortunately, these solemnities confused rather than clarified our position. The Secretary of State and his Undersecretary persisted in regarding the Soviet missiles as "defensive."[1] While Mr. Sisco admitted that recently arrived armored amphibious craft were "offensive" weapons, his diplomacy attempted simultaneously to avoid confrontation by proposing solutions chiefly deleterious to the Israeli position. Having been emptied of significance by the diplomacy of his own government, Mr. Nixon's gestures were rewarded by amphibious craft, SAM–3 installations and on July 26–27, Soviet pilots battling the Israelis in the Canal Zone.

At this point, both the Secretary General of the U.N. and unnamed diplomats declared that Moscow had submitted a "substantial" improvement in the Soviet peace plan. The improvement seems to be a requirement that the Arabs declare more than simple nonbelligerency as their recognition of Israel. For this document, the Israelis are to return to the geography of 1967, and the demography of 1947, loaded with verbal security guarantees enforceable only by the Soviet Union's influence over the Arabs. One suspects the "substantial improvements" resides in the realm of desire.

In conclusion then, Soviet orchestration of the Middle East crises has proceeded against the détente thesis. Extension of Soviet air and missile power indicates that they no longer fear the chancy confrontation which sustains the détente concept. The Soviet game is to destroy our political position in the Middle East by undermining the State of Israel, with inevitable repercussions upon the security of Western Europe.

The next 90 days: finale?

Acceptance on August 8th of the Rogers 90-day cease-fire in the Middle East has inspired a wave of euphoric anticipation towards a Middle East settlement. At last the shooting would stop and the talking would start.

On July 24, 1970, President Nasser accepted the American peace initiative. Addressing the Arab Socialist Union National Congress, Nasser explained that this "initiative" was in fact "no more than a procedural process." According to Nasser, this maneuver was in response to Nasser's own May Day speech stressing that a cease-fire must be connected to total Israeli withdrawal from occupied territories. Indeed, Mr. Nasser declared, he had only broken the original cease-fire and begun the "War of Attrition" because Israel would not accede to the U.N. resolution of November 1967, which provided for total withdrawal from "all occupied territories." The basis for this interpretation, Mr. Nasser explained, was the preamble to the resolution: "the inadmissibility of the acquisition of territory by war. . . ." Secretary Rogers had proposed (June 19) that the cease-fire be reestablished for 3 months, and discussions engaged between the parties on the basis of the resolution; the Egyptian government accepted this proposal, according to its interpretation of the resolution.

Mr. Nasser thus employed the diplomatic language peculiar to the Middle East. He accepted the cease-fire initiative as a procedural matter, but only if it issued in a substantive result: negotiations on the basis of complete Israeli withdrawal * * *.

The Jordanian government soon followed

[1] NOTE.—The missiles are supposedly defending Mr. Nasser's political perch against the demoralizing deep penetration raids, and are thus merely a "protective reaction" against Israeli initiative. It is alarming to hear such nonsense from high persons. The Israeli raids, in the pattern of all air forces mesmerized by "strategic bombing," inspired new support for Mr. Nasser when the inevitable civilians were killed. Despite their unwisdom, the raids began in response to the *War of Attrition* in the Canal Zone, proudly and unilaterally declared by Nasser himself. That initiative was made possible by Russian artillery pieces.

suit, although King Hussein had never declared a War of Attrition. Here again, the other main Arab demand besides withdrawal was stressed. Jordan would observe the cease-fire, but the justice of the Palestinian Cause could not be constrained: the guerrillas would continue their operations.

In accepting the Roger's Initiative, Mr. Nasser took a considerable gamble. The Algerian, Syrian and Iraqui governments—the latter with 12,000 troops in Jordan—denounced Nasser bitterly. The Palestine Guerrilla outfits swore to sabotage the cease-fire, regarding the Egyptian move as a betrayal. Mr. Nasser, in brief, staked the prestige of his claim to Arab leadership on his acceptance, for if something should come of the negotiations, he must enforce his part of the bargain. And if the result involves recognition of any State of Israel, Nasser and Hussein will be separated from the three States mentioned, not to speak of the moral consequences to his leadership claim. This is an expensive prospect for a man of Mr. Nasser's sensibilities.

After much hesitation and maneuvering, better publicized than Mr. Nasser's five-week delay on the Rogers proposal, the Israeli government also accepted the proposal. On August 14, the *New York Times* published an Israeli release of Truce Accord, signed by Israel and the U.A.R. There are two important additions to the normal criteria of a cease-fire, that is, absence of shooting. First, "both sides will refrain from changing the military status quo extending 50 kilometers to the east and the west of the cease-fire line." Maintenance of facilities is permitted: *new facilities* are prohibited. Second, verification shall be primarily by the national means of the parties.

In the same article, the Israelis let it be known that the United States and the Soviet Union were also monitoring the situation through spy devices, and that previous to the ceasefire, the U.S. had given categorical assurances regarding the enforcement of these clauses, assurances only possible if the Soviet Union itself had transmitted its responsibility for Egyptian observance of the bargain.

The Israelis have also taken great chances in accepting the initiative. Their chances are not in the realm of claims to leadership. Should the U.A.R. break the first of the qualifying clauses to the cease-fire, Israel would consider three paths. She could publicize the violations and complain to the U.N. and the U.S. as foreseen in the acceptance text. She could refuse the peace talks or bomb the new installations if the U.S. and U.N. and USSR did not get the U.A.R. to remove the violations. She could continue the "negotiations" and do nothing.

In all of these cases, the initiative for discussion would be throttled by either one of the parties, or by the U.S. or Soviet Union in their respective roles as guarantors for local behavior.

What do the Great Powers stand to gain or lose from the next ninety days, that is, by talking instead of shooting? To comprehend this question, we must engage in the most necessary and risky analysis, the meaning of recent events, specifically the War of Attrition.

What did the War of Attrition accomplish? For one thing, as President Nasser said, the Egyptian government refused to accept the status quo. It is easy to see that the status quo, with diminishing hopes of either political or military changes, should have doomed Nasser himself. For the status quo registered as "final" the most momentous defeat in modern Egyptian history.

Even more importantly, from the Soviet point of view, the status quo symbolized Moscow's impotency in aiding her clients during the Six-Day War. The Soviet Union could hardly be expected to tolerate such circumstances. Finally, the United States for reason of financial and political stakes, could hardly allow herself to remain in near total isolation from most of the Arab states.

The routes taken by each of the parties concerned to alter the status quo is instructive. The Soviet Union rearmed the Arabs. The Arabs refused to negotiate or concede the existence of Israel. The Western Powers divided their efforts into diplomatic overtones, and sporadic arms agreements, with the French concentration on the Arabs, and the United States on both sides.

The crucial point in these different routes lay in the attitudes of the Great Powers. The Soviet Government promoted the Four-Power and Two-Power discussions, and clung closely to the Arab position. The United States, after the Nixon Administration took office, produced the more "even-handed" approach of the Rogers Proposals. In these plans, peace could be secured by an exchange of almost all Israeli occupied territory (with "insubstantial exceptions") for declarations of recognition and security for Israel by the Arab States. Plainly, such proposals required the collusion of the Soviet Union in enforcing the settlement. For these good reasons, the Arabs and Soviets initially turned them down.

The "War of Attrition," however, comprised more than merely diplomatic discussion. Egyptian bombardment of Israel's Suez Canal positions was enabled by Soviet artillery. When the Israelis tired of steady losses and replied with flying artillery, Egyptian military weakness stood exposed. Mr. Nasser could have no diplomatic chances if he had no military chances. The Soviet government then had a critical choice. Since the Egyptians could not maintain any military position on their own, would the United States tolerate more direct Soviet intervention?

The answer to this question also involves the question of détente. Fear of direct confrontation sustains the concept. But under *conditions of parity*, it is logical to presume that conventional faits accomplis can hardly be reversed by threats of mutual suicide.

According to Soviet diplomats, the Middle East "talking" now in prospect is the consequence of the Middle East "shooting" of the War of Attrition. Mr. Nasser is now "strong enough" to negotiate because the Israeli military advantage has been worn away by Soviet military intervention. And the United States is now less "pro-Israeli," as evidenced by the stalled Phantom deliveries. According to other Soviet spokesmen, direct confrontation can now be avoided by defining carefully what constitutes cause for confrontation.

These propositions were embodied practically by the appearance of Soviet-piloted planes and SAM sites—with high and low altitude capability—in the Canal Zone. The aircraft were supposedly "out of bounds"; the SAM's were not. Hence, the Soviet Union was merely "defending" Egypt and President Nasser by giving her the means to wage the War of Attrition preparatory to a political settlement which would restore the pre-1967 Egyptian political position.

There is one difficulty with this version of events. Why did Soviet jets engage Israeli planes twice in late July over the southern Canal Zone,[2] immediately after President Nasser accepted the Rogers Proposal? Was this to be a further "incentive" for the Israelis to accept the initiative? And if so, could not the War of Attrition be simply extended by degrees to force the Israelis into diplomatic defeat before she suffered military defeat through loss of air superiority?

One might surmise that Mr. Nixon's strong remarks on July 1, regarding American willingness to "do what is necessary" in the Middle East would thwart the Soviet plan. In a security briefing on June 26 (published by the *Jerusalem Post*), the White House staffer recognized that the "expulsion" of Soviet troops was a primary desire of American policy. The U.S. thus recognized that Soviet diplomacy was pursuing an inflexible position while improving the military situation sustaining that position. Shy of threatening "mutual suicide," the U.S. could only aid Israel with equipment. Unfortunately, the Nixon Administration compromised this card by delay in the name of possible damage to negotiations and Arab interests. In fact, the delay and its explanation place the U.S. dilemma in sharper focus than ever before. For the Administration has taken upon itself an obligation to review, judge and act directly upon any threat to Israeli security. When and if the U.S. should do such a thing, as Mr. Nasser stated in his May Day threats, the Arabs would see clearly that the Israelis were imperialist puppets and the U.S. directly inimical to all Arabia.

Thus, the War of Attrition demonstrated that the Arab military position could be dramatically improved by direct Soviet military intervention in the face of American displeasure. Was it therefore not entirely to the advantage of Israel to get into diplomatic discussions before it suffered military defeat with fatal consequences for its future independence? Was it not sensible for the Americans to develop a diplomatic position much more amenable to the Arab demands lest it suffer fatal political consequences upon an Israeli military defeat? Could Mr. Nixon's remarks be taken very seriously, if they were combined with the Rogers cease-fire initiative, an activity with great military risk for the Israelis?

Thus, whatever Mr. Nasser's desires for military triumph, the Rogers initiative *as a procedure* was a convincing demonstration of Soviet prowess. Since the nuclear threat is not credible, and the Phantom supply now represents a confession of diplomatic disaster for the U.S. in the Arab world, the Soviet Union can and is exploiting American fears to produce a favorable settlement.

During the next ninety days, the U.S. faces the following possibilities. The Soviet Union's assurances of the status quo on the Canal Zone will prove worthless; the Israelis have complained that SAM missiles are already moving into the Canal Zone. This is merely a repetition of the same tactic employed in the War of Attrition. Will the United States therefore abandon a "procedure" while the Soviet side unilaterally alters the "substantive" military circumstances? If the U.S. does not secure Soviet compliance, the U.S. then faces the same circumstances of impotency she had in late July, save that the Israeli air force's accomplishments of the last three months in denying amphibious capability to the Egyptian army will have been lost. Then it will be even easier to favor a settlement on Soviet terms, even if those terms insure the Soviet Union as arbiter and guarantor of the Middle East. As for Israel, any formula for returning her to the military position of 1967 and the demographic position of 1947, even with declarations of non-belligerency, are equations for her ruin.

The noxious dispute now surrounding Israeli charges of truce violations in the movement of Soviet missiles is an ominous sign. On Sunday, August 16, Secretary Laird (as reported in the *New York Times* of August 17) delared it was impossible to ascertain any violations within the first twenty-four hours, because U.S. intelligence procedures were not completely in track.

Secretary Laird added, however, that the important thing was to begin negotiations, rather than quibble over violations. Meanwhile, the Israelis charge another missile movement occurred on August 13. Foreign Minister Eban has complained that all bene-

[2] Joseph Alsop, "M.E. Ceasefire Was Preceded by Soviet-Israel Aerial Dogfight," Philadelphia *Bulletin*, Tuesday, August 11, 1970; July 25 and 27 were the battle dates.

fit of doubt was being extended to the Arabs and none to the Israelis. According to Mr. Eban, continuance of the talks, while the cease-fire was being "mocked" by the U.A.R. and the Soviet Union, undermined all confidence in the value of signed commitments with these states. In Washington, however, high officials were described as "very irked" with the Israeli position. Marvin Kalb reported for CBS on August 17 that the charges had not even been raised with the Soviet Union, and not "seriously with the U.A.R." The U.A.R. has not bothered to comment on the changes at all.

If Secretary Laird's remarks are official policy, then the "inertia" of peace-talks will overcome the cease-fire guarantees. The consequence of this inertia is a new version of the War of Attrition. Should the "talks" not be settled on Arab or Soviet terms, (the Egyptian government, in the inimitable form of Husaynen Haikal, Abdel Nasser's confidant, have reiterated strongly that their policy is still on the Khartoum formula), then the prospects are Israeli military defeat by Soviet intervention.

Continued American acceptance of the War of Attrition strategy will thus lead straight to military and diplomatic catastrophe. The "impression of ascendancy" by the Soviet Union, and the "impression of descendancy" by the United States would be given a general credence with global repercussion. One term or the other, the diplomatic position of the Soviet government and the Arabs on substantive matters, or Soviet military intervention, must be altered. Otherwise the meaning of détente will be Soviet diplomatic superiority.

The Israelis cannot be expected to allow their security to wash away in American misunderstanding of the stakes. They may attempt a maneuver as desperate as 1967, probably at the Southern sector of the Canal, where a good tank road leads to Cairo, and a swing movement against the Egyptian Army at the central and northern sectors, while they have still got air cover. It is no coincidence that Soviet pilots have engaged them in this area.

A new Middle East war caused by Israeli desperation with inevitable Russian participation must signify the death of the détente.

Should the Israelis lose, will it not be too late to speak of "power balances" in the Middle East? Will both the impression and fact of ascendancy thus established by the Soviet Union not erode the rest of our Middle East position, as regimes rally to the victors? And what will happen to the cherished détente, the foundation of possible improvements with the Soviet Union?

But a Middle East war will be disastrous to everyone—to Israel, to the Arabs, to the United States, to Western Europe, and to the Soviet Union. The immensity of the booty at stake in the Middle East must sorely tempt the Kremlin leaders. The Soviet and Egyptian governments can only be encouraged into new escapades by unmistakable revelation of American weakness. If this progression is not reversed, the confrontation recognized; the Soviet Union faced straight-away with prospects of American invention. then we shall have neither safety nor relief. Sir Winston Churchill said: "There is nothing the Soviet government respects more than strength and nothing they despise more than weakness." The moment for concessionary proposals to those who never concede has passed. The perilous moment for action against those who are testing us has arrived.

At this eleventh hour the United States must communicate convincingly to the Soviet Union its determination that the basis of détente, the fear of mutual confrontation, will not be abrogated unilaterally in the Middle East. To forestall the death of the détente and the success of the War of Attrition during the next 90 days, the U.S. must regard any refusal to abide by the cease-fire guarantees as the end of the cease-fire, and cause for dispatching Phantoms to Israel.

AN IDAHO LUMBERMAN COMMENTS ON THE NEEDS OF THE FOREST SERVICE

Mr. CHURCH. Mr. President, Theodore "Ted" Hoff is the president of the Hoff Lumber Co., of Horseshoe Bend, Idaho, and is extremely knowledgeable in the area of forest management.

Recently he sent me an excellent letter in which he decried the level of funding which has been granted to the Forest Service to properly administer its functions over the past 10 years. I commend it to the attention of my colleagues.

I ask unanimous consent that the text of Mr. Hoff's letter and the table he enclosed be printed in the RECORD.

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

HOFF LUMBER CO.,
Horseshoe Bend, Idaho, July 30, 1970.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR FRANK: I have been reviewing the USFS fiscal financing for the years 1963 through 1970, an eight year total.

I was born and raised in McCall, Idaho, a small community adjacent to the Central Idaho Wilderness Area. My life, except for 5 years in the Navy Air Corps during World War II, has been lived within the natural resource habitat. Living within the natural resource area has given me an excellent opportunity to observe the multiple use practices of the Forest Service, and the impact of its management program.

No federal agency that I have observed, gets as much mileage from a dollar in preplanning and programing and its performance, as does the Forest Service. As a matter of fact, it is my considered opinion that these dedicated Forest Service employees are giving back to the public much more in land management, loyalty and performance than is appreciated by the public and some public servants. This does not get to the point of my letter, merely scratches in my background and interests.

On the fiscal comparison sheet enclosed, you will note that the planned financing for the United States Forest Service, percentagewise, is well over the actual financing. To one such as myself who makes his living by working with natural resources, this indicates that the Department of Agriculture, which budgets and our Congress which votes the dollars, are willing to settle for less than 100% land management and multiple use programs.

The second item, "Reforestation and Timber Stand Improvement" is a perpetuity program that will give back to future generations, timber stands for housing, recreation and wildlife habitat. You will note that in the reforestation and timber stand improvement, Congress has financed 40% of the program. Our past Secretaries of Agriculture have been content with this inadequate financing. Future generations will pay for this lack of funds.

Another point, when you talk about water and soil improvements, you are talking of a program that reaches into perpetuity. In soil and water management, 52% of the program during the eight years was actually financed and 48% of the program requested by the USFS was not financed. Our papers are full of future water requirements, water pollution and related problems. Something as basic to the life of future generations as soil and water require full time management and monies necessary for buying full time performance.

Idaho is blessed with natural resources. A large percentage of the lands that contain these natural resources are federally owned. We are all dedicated in passing on to future generations improvements for their livelihood. We must not let them down by underfinancing a national forest system management program.

Please let our track record, so to speak, be a better one over the next eight years than the one attached to this letter designating the financing and expenditures for the past eight years.

As a United States Senator, let me urge you to take a firm stand and not settle for lukewarm compromises.

Thank you.

Sincerely,

THEODORE HOFF, Jr.,
President.

COMPARISON OF PLANNED LEVEL OF FINANCING FOR THE NATIONAL FOREST SYSTEM AND THE ACTUAL EXPENDITURES FOR THE PERIOD FISCAL YEARS 1963–70

[In millions of dollars]

Activity	Fiscal years 1963–70 (8-year total) Planned level of financing	Actual financing	Percent financed
Timber sale administration and management	285	271	95
Reforestation and timber stand improvement	342	137	40
Recreation	572	260	45
Wildlife habitat management	54	34	63
Range management, revegetation and improvements	120	97	81
Soil and water management	94	49	52
Minerals and special uses	38	32	84
Land classification, adjustments, and surveys	68	41	60
Forest fire protection	283	203	72
Construction and maintenance of improvements for fire and general purposes	142	100	70
Insect and disease control	99	93	94
Acqusition of lands	52	14	27
Roads and trails	1,138	842	74

Note: This fact sheet taken from public document "Management Practices, Bitterroot National Forest."

ARTICLE BY JUDGE FRANK ARMSTRONG IN OPPOSITION TO THE PROPOSED NATIONAL COURT ASSISTANCE ACT

Mr. ERVIN. Mr. President, as a member of the Senate Subcommitee on Improvements in Judicial Machinery, I have followed the progress of S. 3289, the so-called National Court Assistance Act, since it was introduced several years ago. Since its introduction, I have doubted the wisdom of the Federal assistance to our State court structure which would be required by the act. Because of this extensive Federal involvement, I have felt that the bill would be a negative force in our concept of separate State and Federal court systems.

After introducing the National Court Assistance Act, the Subcommittee on Improvements in Judicial Machinery asked numerous State judges for their comments on the bill. I am familiar with many of these letters and with their almost unanimous opposition to the bill. This year an outstanding superior court judge from North Carolina, Frank M. Armstrong, has expanded his views in

opposition to the bill into an article in the American Bar Association Journal. Judge Armstrong has performed a real public service by examining S. 3289 in great detail, and I feel that his comments merit the attention of the Senate. Accordingly, I ask unanimous consent that the article published in the August 1970 issue of the American Bar Association Journal entitled, "The Proposed National Court Assistance Act" be printed at this point in the RECORD.

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

THE PROPOSED NATIONAL COURT ASSISTANCE ACT

(By Frank M. Armstrong)

(NOTE.—Under the guise of helping the states improve the organization, procedure and administration of their courts, the proposed National Court Assistance Act, sponsored by Senator Tydings, would not help the fight against crime and is unnecessary, expensive and wasteful. But, most serious, it would undermine the American federal concept of dual court systems.)

Senator Joseph D. Tydings of Maryland introduced in the 91st Congress a bill to create a new federal agency, the Institute for Judicial Studies and Assistance. The purpose of this institute would be "to further the adoption and development of improvements in the organization, procedure, and administration of local and State courts". This is the third time that this proposal has been made, as Senator Tydings sponsored similar bills during the 89th and 90th Congresses.

The bill, S. 3289, has been referred to the Senate Committee on the Judiciary and by it to the Subcommittee on Improvements in Judicial Machinery. Because in my view passage of legislation of this description would have an adverse long-run impact on the independence of state and local courts, I am writing to alert the members of the American Bar Association and others to the provisions of this bill.

The proposed legislation, called the National Court Assistance Act, contains two main sections. The first adds a new chapter to Title 28 of the United States Code establishing the Institute for Judicial Studies and Assistance. The second sets out an appropriation authorization for the first three years of the institute's operations. In discussing the proposal, references will be made to the purposes of the proposal as explained by Senator Tydings. Unless otherwise indicated, the Senator's expression of purpose will be drawn from his remarks in the *Congressional Record*.

The governing board of the institute would consist of seven members appointed by the President. Six of the seven must be state court officials, and the seventh must be an attorney engaged in the private practice of law. The board is required to hold regular meetings at least twice a year and has the final responsibility for establishing institute policies. The board has the authority to select the director of the institute, who serves at the pleasure of the board. The director's position is viewed as a high-level one; he is to receive the same salary as a federal district court judge and have highly attractive retirement provisions.

Although the board is granted the final power with respect to the external activities of the institute, the director has the sole right of selecting the employees of the institute. He also has the right, within certain constraints, to fix the compensation of employees. No limit is set on the number of employees, although Congress would undoubtedly exercise control through the appropriation process.

To be eligible for appointment as a board member, a person must have a full-time professional association with state or local courts. The bill requires that the board be composed of two active state appellate judges, two active state trial judges, two state court administrative officers and one attorney engaged in the private practice of law.

Members are to serve staggered three-year terms and are eligible for reappointment to one full term of office. The President is to designate one of the board members as chairman, who serves as such at the pleasure of the President. The legislation enjoins the President to give "due consideration to recommendations and endorsements from professional societies and organizations concerned with judicial administration and management techniques, including . . ." The organizations then specifically listed are the American Bar Association, the American Society for Public Administration, the Association of American Law Schools, the American Judicature Society, the Institute of Judicial Administration, the Conference of Chief Justices, the National Conference of Court Administrative Officers, the National Conference of Metropolitan Courts, the National Conference of State Trial Judges and the North American Judges Association.

To assure balance on the Board, no two members may be residents of the same state, and no more than four members may belong to the same political party.

INSTITUTE WOULD HAVE TWO MAJOR OBJECTIVES

The two major objectives of the institute, as characterized by Senator Tydings, would be (1) to establish a grant-in-aid program to encourage and financially assist the modernization and improvement of judicial machinery in state and local courts; and (2) to serve to create a national reservoir of up-to-date information on court management and organization.

These purposes are reflected in the caption to the bill, though the powers actually granted the board in the text are slightly broader and the stated purpose of the institute is more generalized. Among the powers granted the board are (1) to conduct studies and evaluations of local and state court systems; (2) to make grants to local or state courts for such studies and evaluations; and (3) to make grants to public or private nonprofit organizations making such studies and evaluations.

The expected outgrowth of these studies and evaluations of local and state court systems is to be "recommendations for organizational, procedural, and administrative improvements of such systems . . .". Following these recommendations, the board is authorized to make grants to local and state courts, and to public and private nonprofit organizations, to implement the recommended improvements.

Other provisions grant the board the power (1) to conduct, or make grants to courts and others to conduct seminars and other educational programs for judges and personnel of local and state courts; (2) to make grants to establish in accredited universities and colleges programs of instruction in court administration and management; (3) to cooperate with and render technical assistance to federal, state, local or other public or private agencies in carrying out the purposes of the act; and (4) to make grants for other purposes, consistent with those of the act, as the board determines necessary or desirable in carrying out the purpose of the institute.

As the making of grants is perhaps the most important function of the institute, the proposed legislation contains a specific section on that. The director is required to make regulations establishing general standards for obtaining grants and for reporting to the director by recipients of grants. These regulations are subject to the approval of the board. Applications are to be processed by the director, who recommends approval or disapproval to the board. No grant is effective until approved by the board, but the director is responsible for disbursement and may control the timing of payments and place conditions on the payment of installments. The matter is not clear, but under a permissible reading of the bill's language the board may not make a grant unless it first secures the director's recommendation for approval.

RESTRICTIONS ON THE INSTITUTE IN FAVOR OF STATE COURTS

There are two major restrictions on the powers of the institute, restrictions that Senator Tydings states are designed "to protect the independence and autonomy of State and local courts". One of the provisions is an administrative restriction in the grant procedure:

"No application submitted by any local or State court for a grant under this chapter shall be recommended by the Director for approval unless such application has been first approved by the highest judicial authority of the State in which is located the court submitting such application. No application submitted by any public or private nonprofit organization for a grant under this chapter in connection with any local or State court shall acquire [*sic*] the approval of any State's highest judicial authority. . . ."

It is not clear whether the word "acquire" in the second sentence is intended or whether it is a misprint for "require". The literal impact of "acquire" would be that an outside organization could not get a grant to study a local or state court even with the approval of the highest judicial authority of the state. The probabilities are that the word is a misprint, especially in light of the second restriction:

"Nothing in this Act shall be construed as authorizing the Institute, the Board, or the Director thereof, to supervise or control in any manner or to any extent the administration, organization, [*sic*] of any local or State court, or to conduct or to cause to be conducted any study of [*or?*] evaluation of any local or State court without the prior approval of the highest judicial authority of the State in which such study or evaluation is to be conducted."

The term "highest judicial authority" of a state is defined to mean "the person or body of people who have been granted, by State constitution or statute, supreme supervisory authority over the courts of the State or, in the absence of such a grant, the chief judge of the State's highest court".

In connection with these two restrictions, Senator Tydings stated on introducing the bill that others have suggested that the veto power be lodged in the judge of the court directly involved rather than with the "highest judicial authority". He said: "I believe that this issue would benefit from further hearings and pending the recital of the views of other State and local judges, I am reserving final judgment on this matter."

As an indication of the scale of the institute's activity as visualized by Senator Tydings, the final section of the bill authorizes up to $15,000,000 in grants to be made during the first three years of operations. These authorized sums, even if retained in enacted legislation, are subject to being cut down on passage of actual appropriation measures, but the actual figure is often a substantial fraction of the authorized amount.

CRITICISM OF THE TYDINGS PROPOSAL

During the years that Senator Tydings has been advocating his National Court Assistance Act, I have contended, along with many other appellate and trial judges and lawyers throughout the United States, that it is a dangerous and unnecessary measure. My criticisms are that Senator Tydings is arguing on a misleading basis

in asserting that the current law and order crisis makes his bill necessary.

The bill is unnecessary on several different counts.

The proposal will be expensive and wasteful and will lead to bureaucratic rigidity.

The safeguards in the bill to preserve the independence and autonomy of state and local courts are illusory and ineffective.

Even with safeguards, the bill constitutes a long step toward dismantling our dual system of courts and substituting a unitary system.

MISLEADING INVOCATION OF THE LAW AND ORDER CRISIS

Senator Tydings, having heretofore failed to get the Congress to approve the bill on its merits, has changed his tactics in an effort to frighten the Congress, the Bar and the public into lending support to the bill by referring to the law and order crisis and by citing the staff report to the National Commission on the Causes and Prevention of Violence. In his remarks on the introduction of the bill, Senator Tydings quoted from this report and other authorities to the effect that congestion, delay and poor management in our criminal courts may be a major abetting cause of the crime wave those courts were intended to eliminate. Any person who carefully considers this argument, however, will see that it is more illusion than substance. The causes of crime and violence, as all informed persons who study the recent reports on the subject know, are extremely complex. The behavior of the courts may constitute a piece of the problem, but it is not a significant element.

In any event, the type of congestion and delay pictured by Senator Tydings as endemic in urban criminal courts will not be cured by mere incremental improvements in management and efficiency. The real problem is a many-fold increase in the number of cases, and the only effective solution is a corresponding increase in judges, court personnel and courtrooms. The bill, however, contains this restriction on grants:

Provided, That no such grant or part thereof be used for the construction, improvement, or alteration of buildings, or for the payments of salaries of judges or court personnel on a continuing basis.

I do not question the wisdom of this provision so far as this grant proposal is concerned, of course, but it does indicate clearly the extent to which the proposal is irrelevant to the law and order crisis.

LACK OF NECESSITY FOR BILL

The proposed measure appears to be unnecessary on several different counts.

First, as a law and order measure it would have to give way to the Omnibus Crime Control and Safe Streets Act of 1968. This act provides for the creation by the states of state and local plans with respect to criminal justice, and it applies to the entire criminal justice system—including the courts. Under the block-grant provisions of this act, states that have modernized their courts on their own motion (as has my own state) may utilize the moneys received from the Federal Government in a perhaps different manner from that employed elsewhere. North Carolina has received $5,174,000 from the Federal Government under the 1968 act and to date has allocated $1,532,063 for the improvement of criminal justice in the state. The projection for the next five years is $40,000,000 in planning and action grants. So, North Carolina, through the concerted efforts of all elements of its criminal justice system at the state and local levels, is proceeding promptly and effectively with the business of meeting the challenge of the law and order crisis. The other forty-nine states are meeting this challenge in the same manner.

Second, since 1966 I have been corresponding with Senator Tydings regarding this bill. I repeatedly have requested an explanation as to why he is so interested in establishing another federal bureaucracy for the purpose of improving the organization, procedure and administration of the state courts when, according to former Chief Justice Warren, the federal courts are in such a deplorable condition. His first concern should be the improvement of the quantity and quality of justice in the federal system of courts. Senator Tydings has not answered my inquiries because, I believe, there is no plausible answer. Senator Tydings and the Congress should concern themselves with the tremendous volume of litigation and congestion in the federal courts, rather than assume the role of guardian in the states' courts and legislative bodies. In my view, those responsible for the improvement of the state courts have done and are doing much more than those responsible for the operation of federal courts, including Congress, have done and are doing to remedy the ills that beset us all.

Third, the things that are to be done under this bill are already being done in most if not in all the states by those who are experienced and have first-hand knowledge of their state court systems. The American Bar Association, state and local bar associations, the law-making bodies of the states, citizens' committees, the National College of State Trial Judges, the Institute of Judicial Administration, judicial councils, legislative councils, as well as the appellate and trial judges of the states, are working toward the common end of improving the administration of justice in the courts nationwide. How can a Washington bureaucracy do more, especially with a politically inspired and less efficient staff?

To illustrate the duplication of effort and needless waste of funds that would be involved in the administration of the Tydings bill, I call attention to what my own state has done in recent years without any prodding or unsolicited assistance from the Federal Government. While I believe we have had, for about a century, one of the best and most efficient judicial systems in America, needing only a little attention here and there to make it meet the needs of the times, nevertheless, in 1962 the people of North Carolina rewrote the judicial article of our constitution. The General Assembly has implemented our new judicial article, which provides for a state-wide General Court of Justice, with effective administrative management staffed by able men with judicial and administrative ability to co-ordinate and supervise the business end of our General Court of Justice. This was a major task! And it was performed by North Carolinians utilizing their own resources.

EXPENSE AND WASTEFULNESS OF ANOTHER FEDERAL BUREAUCRACY

Whether or not the grants made by the Federal Institute for Judicial Studies and Assistance were to total $15,000,000 during the first three years of its existence, this amount would certainly be only a small fraction of the ultimate cost of the program. The scope and extent of federal intrusion into the affairs of state government are well known, and there is little doubt that the long-term effect of the Tydings bill would be the creation of another sprawling bureaucracy, with its legions of bureaucrats who, armed with guidelines sanctioned by federal court decrees, would eventually be breathing down the necks of state judges and court personnel. The bill's ostensible safeguards against these abuses are manifestly nothing more than gestures of appeasement, temporary in nature, since they can be later removed by amendment.

ILLUSORY NATURE OF THE PURPORTED SAFEGUARDS

Each time Senator Tydings has introduced this bill he seems to have recognized that it does pose a threat by the Federal Government to the preservation of the autonomy and vigor of the state and local courts. He has stated that he has "placed in the act specific provisions to protect the independence and autonomy of State and local courts," and he has mentioned the following provisions of the bill:

The restrictions on the composition of the board—with special emphasis on the requirement that six of the seven members be associated with state courts.

The veto power of the "highest judicial authority" of a state over grants to local and state courts.

The veto power of the "highest judicial authority" of a state over any study or evaluation of its local and state courts that might be conducted under the terms of the act.

The explicit restriction forbidding the institute, the board or its director from supervising or controlling "in any manner or to any extent" the organization or administration of any local or state court.

After a close study of the provisions cited by the Senator, I fail to see by any reasonable interpretation that they provide these safeguards. The last general prohibition is broad almost to the point of meaninglessness. It prohibits direct control or supervision or administration, but it nevertheless leaves the door open to indirect and informal controls through the process of enforcing grant guidelines, written and unwritten. The veto power given the "highest judicial authority" of a state does nothing to protect the independence and autonomy of the local and state judges and other court personnel who might be subject to the subtle and unsubtle pressures generated by studies and evaluations of their courts. It is conceivable that these studies would take forms and directions not reasonably to be anticipated by the "highest judicial authority" from the generalized descriptions of the projects as initially submitted for state approval. Last, it is obvious that the important day-to-day shaping of institute policy will be by the director—not by the state officials on the board, who will meet only infrequently in Washington and who will continue to serve full time in their state positions.

AN AMENDMENT TO THE BILL WOULD HELP, BUT NOT CURE

Senator Tydings should be willing at least to insert more iron-clad restrictive language in his bill. I have suggested to him that he amend his proposed act to include wording similar to this:

"It is the intention of the Congress that nothing in any of the provisions of this Act shall be interpreted to require any judge of any local or State court of record to perform any act, make any report, attend any seminar, or do anything whatsoever under this Act unless such judge voluntarily consents in writing to do so. Any order, direction, guideline, or rule issued by the Director, the Board, anyone under his or its direction, or by anyone else under the purported authority of this Act shall be null and void and unenforceable in either the State or Federal courts. This section shall be controlling notwithstanding that the chief or presiding judge of a local or state court, or that the highest judicial authority of the State, may have elected to receive grants or other assistance under this Act or to permit studies or evaluations under this Act."

This language and protection could be improved, but Senator Tydings has refused to amend his bill in accordance with the substance of this proposal. But even if Senator Tydings were to consent to a restrictive provision of this type, I still am unalterably opposed to the bill because of its basic philosophical and policy thrust.

UNDERMINING OF OUR DUAL SYSTEM OF COURTS

Under our constitutional system of checks and balances, we have maintained a dual

system of courts: the federal courts on the one hand and those of the states on the other. Except for authorization of injunctive and contempt powers designed to secure the jurisdiction of the lower federal courts from encroachments by the state courts, our fundamental statutes have called for direct review of state court action only by the Supreme Court of the United States. This desirable separation of judicial powers has been weakened in recent years. One major example has been the federal decisions shifting to more liberal interpretations concerning the federal habeas corpus rights of state prisoners. Nevertheless, the dual court structure of our nation is still substantially intact and functioning.

I am confident that from a lack of knowledge of our dual system of courts many persons do not realize that the Tydings bill is another step—and a long one—toward a unitary judicial system in America. If that is the ultimate objective, it should be approached openly and constitutionally. The architects of our system of courts were judiciously and bitterly opposed to a unitary system for the same reasons that it should be rejected today. The concentration of excessive power invites corruption and collapse.

I hope this article will serve to inform the *Journal's* readers of the important issues that underlie the proposed National Court Assistance Act. The admonition of Justice Brandeis is pertinent:

"Experience should teach us to be most on guard to protect liberty when the government's purposes are beneficent. . . . The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding."

J. MARK TRICE, 50TH ANNIVERSARY OF SERVICE TO THE U.S. SENATE

Mr. CASE. Mr. President, I am happy to join Senators, both Republicans and Democrats, in pausing briefly today to honor J. Mark Trice, who has served this institution and countless individual Members, but most of all our country, for 50 years. It takes a most unusual combination of many qualities to fit a man for the service Mark has rendered. Intelligence, industry, sensitivity, compassion are among these qualities, and I think most important of all is the kind of simple, straightforward integrity which has guided Mark's every action and relationship over this half century.

It is an especially happy occasion when we can honor one who is still around to hear what is said about him. And we all, I think, will agree that what Samuel Johnson called the "tardy bust" is no comfort to the man it honors too late.

Mrs. Case and I join in wishing Mark and his lovely wife long life and continued happiness in it and in each other. We look forward to sharing it with them.

DESTROYER CONSTRUCTION AWARD TO LITTON INDUSTRIES, INC.

Mrs. SMITH of Maine. Mr. President, in a Senate speech on June 29, 1970, I challenged the award of the construction of 30 destroyers to Litton Industries, Inc. on several bases. One challenge was on the base of credibility—essentially the credibility of a situation where almost overnight after three rounds of prices Litton could drop its price by some $270 million from the last previous price it submitted.

Another aspect of doubt as to the credibility of Litton's overnight drop in price was the contract pricing reset provision introduced as a last minute change—for this may have permitted a contractor to take an irregular advantage of the regulations to lower estimated costs with the full knowledge that costs can be negotiated upward several years after the award at a small sacrifice in profit—but at the expense of another substantial overrun to the Government.

To use a harsh, but potentially most accurate, term—a "buy-in." In fact, a high Defense official admitted to me that the combination of the sudden last minute drop in Litton's price together with the last minute change of the price reset provision gave a very strong appearance of a potential "buy-in" maneuver but with this admission he expressed doubt that a "buy-in" could be proved now but might take some years to prove.

The credibility factor on this award continues. The Navy has resorted to what might be characterized as a "numbers" or "figures" game in which the commander of the Naval Ship Systems Command provides a lower estimated cost figure to the chairman of the Senate Armed Services Committee on a classified basis marked "Confidential—For Official Use Only" but on the other hand makes statements to the news media for publication of another and much higher figure—nearly three times as high as that submitted on a confidential basis to the chairman. At my request, the Navy subsequently gave me the same memorandum.

This pertains to the estimated cost impact on the DD–963 program if the construction is split between two shipbuilders instead of being given to one.

I do not know how Admiral Sonenshein can really make a credible estimate of extra cost unless he has not required from Litton and Bath what their respective prices would be if there were a split in the contract. Bath officials tell me that the Navy has required of Bath its prices in the event of a split contract. I do not see how anyone can make a really intelligent and informed estimate other than the suppliers themselves. If Admiral Sonenshein has not required Bath officials to make such an estimate on their part, then what credibility can be attached the estimates that Admiral Sonenshein advances?

Let me first deal with the restricted "Confidential" classification placed by the Navy on Admiral Sonenshein's memorandum of May 18, 1970. The credibility of that classification restriction is highly suspect—when the estimated extra cost set forth in that memorandum is the same as reported on page 30 of the July 4, 1970, issue of Business Week in its Washington Outlook section.

One wonders why such restriction is placed by the Navy on the Senate Armed Services Committee—when the Navy turns around and gives the same figure to a national weekly magazine. What is the credibility of the classification?

The estimated extra cost set forth in that so-called confidential memorandum to the chairman of the committee is the figure of $225 million as reported by Business Week.

Not long thereafter the writer of that confidential memorandum, Rear Adm. Nathan Sonenshein, commander of the Naval Ship Systems Command, made statements to the news media, and which statements were published, to the effect that splitting the work would inflate the cost by $600 million. Thus, within a matter of a very few weeks, Admiral Sonenshein tripled his estimate of extra cost from a split award. All of us know that we have inflation, but we never realized that it was so runaway that within the short period of a month to 6 weeks the cost could triple on a split of this contract.

In fact, the rise in the estimate of the extra cost of $225 million as of May 18, 1970, to $600 million prior to the July 4, 1970, issue of Business Week is incredible—and on its face raises a serious question of the credibility of the Navy in this award. The pattern of lack of credibility runs all the way from the lack of credibility of the sharp last minute drop in Litton's price and the last minute change by the Navy to let Litton reset the price 39 months later after the award now to the lack of credibility in the Navy's "confidential" classification on its memorandum to the chairman of the committee and the widely differing estimates by Admiral Sonenshein confidentially to the chairman of the committee and publicly to the news media.

Business Week characterizes Admiral Sonenshein's publically announced estimate of an extra $600 millions as a "scare figure." Now remember, that is the characterization made by Business Week. However, I will not take issue with that characterization in view of the fact that Admiral Sonenshein, in giving an estimated cost to the news media, tripled the estimate cost given confidentially to the chairman.

Business Week itself has questioned the credibility of Admiral Sonenshein's $600 million estimate by calling it a "scare figure"—obviously interpreting it as trying to "scare" the Congress out of splitting the award legislatively.

Attempting to scare Congress will not add to either Admiral Sonenshein's credibility nor the Navy's credibility on this matter of the DD–963 award about which there is such a lack of credibility in so many respects. Let us hope that the Navy's defense of the award and its tactics, whether "scare" or not, are not so repeatedly lacking in credibility as to threaten an adverse image on the score of integrity.

REMARKS OF SENATOR SAM J. ERVIN, JR., BEFORE THE NORTH CAROLINA LAW ENFORCEMENT OFFICERS ASSOCIATION

Mr. ERVIN. Mr. President, on August 4, 1970, I was privileged to attend the annual meeting of the North Carolina Law Enforcement Officers Association in Salisbury, N.C. The association is concerned with the profession of law enforcement in our State and its president, Sheriff L. B. Falkner, has done a magnificent job leading the organization. In addition to Sheriff Falkner, I was greatly

impressed with the men I met in Salisbury who were guiding the association. The officers are Sheriff L. B. Falkner, president; W. M. Anthony, first vice president; M. A. Goldston, second vice president; Carson B. Annis, secretary-treasurer; M. J. Dellinger, sergeant at arms. Also, I was privileged to meet the members of the board of directors who were attending the meeting. Their names are J. T. Rich, J. A. Creech, Marvin Pope, A. L. Whaley, F. G. Fleming, and Broadus Hester.

You can tell a great deal about an organization from the caliber of its leaders; and from talking to these officials in Salisbury, I realized how fortunate we were to have such dedicated men in the profession of law enforcement in North Carolina.

Mr. President, at the meeting, I made a speech on the work of the Law Enforcement Assistance Administration in North Carolina. Since I had strongly supported the Law Enforcement Assistance Act of 1965, and the Safe Streets and Crime Control Act of 1969, I was very glad to have an opportunity to review these programs and the benefits they have brought to North Carolina. I hope the Senate will find my State's experiences with the Law Enforcement Assistance Administration at the Department of Justice typical of their own.

Mr. President, I ask unanimous consent that my speech given in Salisbury, N.C., on August 4, 1970, before the North Carolina Law Enforcement Officers Association, be printed at this point in the RECORD.

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

REMARKS BY THE HONORABLE SAM ERVIN, JR.

A few months ago I received a letter from your president, Mr. Falkner. He stated that I had been chosen to speak to you because my record shows that I have an understanding of the job you are trying to do. I find it difficult to believe that anyone in America today does not realize the importance of the work our law enforcement personnel are performing.

Crime has become a bitter, grim reality in this country. For millions of Americans fear is a daily companion; fear spawned by the soaring crime rate reaches into every city of every state. No one is immune. Crime is tarnishing the whole quality of life in the United States in very real and evident ways.

As law enforcement officers, you bear the initial burden in the fight against crime. It is not an easy burden to bear. Criminal behavior today is as complex as our society. Not only are you faced with increased crime in the streets, but also with vast numbers of low visibility crimes: vice crimes, white collar crimes and those committed by the professional criminal. Last year alone, crime took 13,000 lives in the United States and cost more than $30 billion.

But I don't have to tell you about the magnitude of the crime problem. Right here in North Carolina an average day brings the murder of at least one person, the forcible rape of one or two women, the robbery of five people, the serious aggravated assault of forty citizens, the theft of 20 cars, 51 major thefts and 70 burglaries. And these daily averages are twice what they were in 1960.

It was statistics like these that prompted Congress to create the Law Enforcement Assistance Administration in 1968 to provide financial and technical assistance to aid states and local governments in improving the administration of criminal justice throughout the country; in short, to help halt the increase in crime. Because I believe LEAA will prove to be the turning point in the war on crime, I want to spend a good part of my time with you today talking about LEAA and the activities it has funded, particularly in North Carolina.

In fiscal 1969, the LEAA budget was $63 million. In fiscal 1970, that amount was increased four-fold to $268 million. This fiscal year, which began July 1, LEAA has requested and appears certain to receive an appropriation of $480 million—nearly eight times the amount it received two years ago when it began. You can see from the increases that the problem of fighting crime in the streets and improving the administration of criminal justice has become a major federal priority.

Because we believe that fighting crime is a job which must be done primarily on a state and local basis, most of LEAA's funds are distributed in the form of block grants allocated to the states on the basis of population. Each state has a planning agency which distributes the money throughout its state on the basis of comprehensive statewide plan approved by LEAA.

For example, in fiscal year 1970, North Carolina requested and received $4,625,000 to carry out its plan. That amount is almost 7½ times the $621,307 awarded to this state in the previous year.

In its 1970 plan, North Carolina placed heavy emphasis on police-related activities. Almost 50% of the funds was spent on programs to improve the detection and apprehension of criminals; approximately 9% was devoted to the prevention and control of juvenile delinquency; 5% went to improving police-community relations, and 1% each to prevention of crime and public education, and prevention and control of civil disorders.

The remainder of the funds was spent to improve prosecution and corrections, both vital areas for a well-rounded system of criminal justice. It is not enough to improve our ability to apprehend criminals. That is the first step, and is an extremely important one. But even if you doubled arrests tomorrow, there would be no real progress if the courts were still backlogged and the prisons unable to rehabilitate.

I don't have to tell you that court dockets are crowded—so crowded in some cases that individuals have to wait as long as two years before they come to trial. By that time witnesses may have disappeared, the criminal probably will have lost the connection between the offense and the punishment, and he may even have committed more crime.

Once he is tried and sent to prison, his time in jail may just be further training for a criminal career. Studies indicate that between 40 and 70 percent of those released from prison go on to commit new crimes. Eight out of every ten offenders in a recent FBI study had at least one prior arrest, and seven out of 10 had a prior conviction. These and similar statistics prove that we must improve our abilities to convict and rehabilitate criminals, as well as apprehend them. For this reason, LEAA block grant funds must be devoted in each State, as they have in North Carolina, to comprehensive system-wide improvements in all components of criminal justice.

In addition to block grants to the states, LEAA also makes several types of direct grants. One of these, the discretionary grant program, provides funds to help meet special problems such as those of big cities.

In the fiscal year which ended June 30, North Carolina received ten discretionary grants, totalling $778,426. A little more than half of these funds were used for corrections-related projects. Cumberland County is establishing a new community correctional center to replace its old facilities. Other projects in the corrections field helped improve employment opportunities for offenders, aided diagnosis and treatment of juvenile problems, and provided fellowships for correctional personnel.

Two grants were made to improve police-community relations in Winston-Salem and Charlotte. Another provided an attorney for the Winston-Salem Police Department to advise and train the police.

A second type of LEAA direct grant program provides academic assistance funds for public law enforcement officers and people who promise to enter the law enforcement field. These funds are given in the form of loans and fellowships to finance college studies for police and correctional personnel.

In fiscal 1970, 19 institutions of higher education in North Carolina received a total of $65,600. This amount sent 434 law enforcement officers to school during the last school year. This year, 23 of our colleges and universities have already received $145,344, and it is estimated that they will receive close to $100,000 more by June 30, 1971. That means that over 1,700 law enforcement officers in North Carolina will study under the program in the coming year.

Finally, I would like to tell you about an LEAA-sponsored program that will have special meaning for North Carolina. It is called the Pilot Cities Program and Charlotte is one of three cities chosen to initiate the project subject to the resolution of final details.

What does this program mean for Charlotte?

For the first time, a project will emphasize system-wide improvement in criminal justice operations. Past improvements in law enforcement and criminal justice have generally been piecemeal in character: one city updates its police communications capability, while a second city improves its bail procedures, and a third tests a work-release program. Under the Pilot Cities Program, LEAA, in cooperation with cities like Charlotte, will test the impact of coordinated improvements throughout the entire justice system. Particular emphasis will be placed on typical urban problems, such as street crime, drug addiction, drunkenness and delinquency.

In addition, new data systems will be developed in three areas: crime reporting, local system-wide criminal offender information systems, and statistical data for analytical purposes.

The result of the Model Cities Program will be used to aid other localities in improving their law enforcement operations by providing a comprehensive approach to urban problems.

In this short time, I have tried to give you some idea of what we, at the federal level, are doing to ease the burdens of local law enforcement.

But the problems of today require effort and cooperation at every level.

One of the most important aspects of law enforcement today is frequently referred to as "community relations." It is important because respect for you as law enforcement officers, and for your profession in general, is necessary if there is to be any respect for the law. Cooperation from the public can also make your job much easier.

This is one goal, however, that can only be accomplished through the individual efforts of each of you.

In this regard, I am reminded of a story that appeared in last month's FBI Bulletin. It told of the arrest by the FBI of a young man who was wanted for false pretense. The young man was known to be a militant political activist. The day after the arrest the man telephoned the local FBI office and told them he felt obligated to inform them of his feelings about his arrest. Like many

people today, he had been skeptical about law enforcement officers at local, state and federal levels. He stated, however, that the professional manner in which his arrest had been handled had given him a new attitude toward law enforcement.

I sincerely hope that you will take full advantage, not only of the opportunities available under the LEAA program, but also of those that are available to you to increase public respect for your uniform, your profession and the system of laws you represent.

CLEAN WATER IS A MATTER OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I wish to call this body's attention to the fifth international water quality symposium now meeting at the Sheraton-Park Hotel during this week. The theme of this year's symposium is "Water Pollution and Health." Sponsored by the Water Quality Research Council, this body has gone far in making the public aware of the increasing danger that exists in the quality of water. In the keynote luncheon speech yesterday, my distinguished friend and colleague, the Senator from Indiana (Mr. BAYH) emphasized the need to stem pollution by forcing technology to take the initiative in adapting to human needs.

Mr. President, I have been speaking regularly on the floor of the Senate in behalf of the Human Rights Convention on Genocide, Women's Rights, and Forced Labor. But clean water, Mr. President, is also a matter of human rights. And the Senator from Indiana has made a significant contribution to the efforts to secure these rights.

Mr. President, I ask unanimous consent that the full text of Senator BAYH's address to the fifth international water quality symposium be provided in the RECORD.

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

NOW IT'S TECHNOLOGY'S TURN

(Speech by Senator BIRCH BAYH, Fifth International Water Quality Symposium, August 19, 1970, Washington, D.C.)

Poets, like politicians, once joined in complaining that good deeds were so quickly forgotten that they seemed to have been written in water.

Well, today what is written in our water is not good deeds, but the misdeeds of an entire civilization. Today our water is a dirge containing words such as: "coliform organisms," "virtuses;" chemicals spanning the inorganic alphabet from ammonia to zinc; organic chemicals that poison quickly, such as cyanide, and those that climb slowly up the food chain, such as DDT. And for those with a taste for more exotic words, the moving finger of our industrial progress has written on the water such Doctor Strangelove terms as "Radium 226" and "Strontium 90."

Yes, we look into our water and perceive, not a reflection of beauty, but the record of what ignorance, irresponsibility, greed, and contempt for nature can accomplish.

Our waters would not stand as silent witness to neglect and abuse if it were not for the attitude of the people and the nation which uses them.

The attitude to which I refer has been implicit in our Western society ever since James Watt harnessed steam, and a host of inventors found ways to put it to work pumping out mines, driving trains, spinning cotton, and in a thousand ways doing the world's work. Grateful to a power that lifted the heaviest burden of labor from his back, man has not only adapted to the new technology but, more importantly, adopted the attitude that *Man adapting to machine* was the right and proper and only course.

If trains hooted in the night, it was the sweet sound of success.

If factories belched clouds of sulphur dioxide, people took a deep breath of relief. Black smokestack plumes were pennants of progress, to be engraved proudly on stock certificates and featured in corporate coats of arm. Women looked up from the sewing, noticed those black bars of smoke across the horizon and said a silent prayer: "Thank God the men will be going back to work."

The attitude of man adapting to technology naturally included our waters. Each stain and befoulment was evidence that somewhere upstream the machines were humming; the chemical processes proceeding. Pollution formed visable signs that we were being enriched.

Machines were king, and for two centuries man played them court only to discover that he had become their jester. There was no question about whether this was good or bad. We were involved in a kind of industrial geometry in which certain factors were given as axiomatic. And, being given, were accepted. Machines make noise . . . produce soot and smoke . . . poison water. True. But that was considered to be the nature of machines, just as it is the nature of dogs to bark

Further, while it is in the nature of machines to dispose, it was equally in the nature of man to accept.

Thus, we have inherited the results of 200 years of machine disposing and man accepting.

It is now technology's turn to do the accepting.

After 200 years of man adapting to technology there is a swelling chorus of questioning voices.

At first a few quite voices wondered—wondered whether it was necessary for man to continue accepting the degradation and ultimate destruction of his world.

Then more and more voices were added, young people appalled by the legacy we had devised for them; and from others who had been awakened and who were asking the most explosive question ever uttered by man throughout history: "Why?"

All these voices joined into a demand that technology adapt to man before there would be no man left to adapt to technology.

These basic questions created still others—here at this symposium being so expertly and minutely delineated and examined—concerning the *ways* by which technology can be made to adapt to the needs of man.

And may I say that the very fact that there is a fifth annual water quality symposium asking "how" is itself a significant measure of the distance we have traveled in this revolution in attitude.

But the kind of questions being asked at this symposium reflects another fact as well: water pollution is not a "real" problem.

"Real" problems, in my judgment, consist of those questions for which no answers have yet to be discovered.

What is the shape of the universe?

What is the cause of cancer?

What is the ultimate physical particle?

What are quasars?

What is gravity?

What need we do to bring peace to the world?

These and a host of other elemental questions comprise the universe of "real" problems. In regard to such questions, science has not reached the "how" stage but is still searching for the more basic answers. Indeed science cannot even be sure it is asking properly framed questions.

With water pollution the situation is quite different. Although there are many technical areas for which full answers are not yet available, as the panels during these two days will attest, we do know what causes water pollution. And, most important, we do know essentially how to stop water pollution.

In reaching this point, many of you here in this room have made an enormous contribution to civilization and the quality of life.

If water pollution is not a "real" problem, why is it such a matter for public concern? Why, indeed, is it a problem at all?

The answer lies not in a failure of science but in a failure of policy.

You have done your job well.

It is we in the political arena who have failed.

The new attitude, that technology must adapt to man, has not been translated into programs and policies because the will to do so has been absent.

We see the job. We have the tools. But we are not willing to provide the funds and the legislation that will unite job and tool.

My major purpose today is to explore ways by which that unity of job and tool may be effected, and to suggest some steps through which the will to act may be generated and supported.

The first step is *education*. And by education I do not mean a spate of articles and speeches, no matter how well executed, on environmental quality.

The attention span of the public is short, and there are always new issues standing in the wings ready to elbow today's out of public attention. The news media, by definition, cannot linger over what everybody has already heard. Remember when there was a deluge of stories about Appalachia? The stories come no more, but Appalachia still exists. The novelty has worn away while the poverty there remains.

I think it vital that education concerning ecology generally, and water quality in particular, be institutionalized.

I propose a program of public education that would stretch from the primary school to the White House.

For the school system, I urge the United States Office of Education to begin immediately devising curricula for various grade levels, employing the latest learning techniques, and thereby instilling a knowledge of the importance of repairing our environment and protecting it when required.

While the school system is thus creating a new generation free from ecological illiteracy and liberated from the outworn and obsolete attitude of accepting as indivisible both the benefits and the banes of technology, the vast educational potential of the White House could be enlisted to inform and to dramatize. Specifically, I suggest that the president consider an annual or bi-annual State of the Environment Address, informing the nation of the air and water quality balance sheet and suggesting legislation needed to plug gaps in public policy. The whole moral force of the highest office in our land would thus constantly reinforce the need for action.

Concurrently with this program of education and fostering of public awareness, we should employ the most modern management skills to advance this vital cause.

A first step in this direction is placing under one roof all the agencies concerned with the environment. I made such a proposal in a speech last Feb., and was highly pleased to see the president adopt this idea a few weeks ago when he outlined to the Congress his plan of reorganizing environmental agencies. I think the new Environmental Protection Agency, given proper support and leadership, can do much to shake from environmental matters both the timid hand of bureaucracy and the forceful grip of entrenched special interests.

But it is not enough merely to establish an independent agency to attack the nation's pollution problems. To help assure

that an Environmental Protection Agency reaches its maximum potential effectiveness, I would suggest that it must aggressively seek out ways to employ proven space age techniques to meet the crisis facing space ship Earth.

I specifically refer to the methods used by our space program to place a man on the moon. Just a dozen years ago, no matter how much the United States would huff and puff, we couldn't seem to get even a grapefruit size satellite off the ground. Then the Russians stunned us with Sputnik, and the country rolled up its sleeves.

Those years of space activity are nothing less than one of the greatest management stories in history.

Fortunately, there is no secret about the methods used to gain this success. The former Administrator of the space agency, James E. Webb, has told precisely how it was done. According to Mr. Webb, it is vital for a large scale research and development task to move beyond the confines of a traditional bureaucratic establishment. Success in such a venture requires flexibility; it requires organizing and managing the use of available knowledge and technology in a purposeful and effective way; and it requires maximum use of the experience and skills of private industry.

All of these elements are important. And all, I hope, will be facilitated by creation of the new Environmental Protection Agency.

But there is yet another element that Mr. Webb considered absolutely essential—a specific goal.

"I believe," he told us, "that it is necessary to make the most careful analysis of all known needs at the start, to fix on a goal or set of goals that will encompass all of these needs and at the same time make adequate allowances for unknown factors and unexpected developments."

A goal.

The Manhattan Project had a specific, measurable goal, and we won the race to create atomic power.

Projects Mercury . . . Gemini . . . Apollo—each had its goal leading to the ultimate goal of achieving that first giant leap for mankind to the moon.

Water Quality too must have its goal.

We must enlist all the skills at our command, first to devise a goal or set of goals, and then to match our reach with our grasp.

For example, we might set 1980 as the deadline for each city and town in America to equip itself with adequate waste disposal facilities. We would establish water standards for every river and lake in the country. And we would determine exactly what the limits are to using the oceans as sinks for our waste products.

We would, in short, revise our priorities to reflect the fact that achieving water quality is one of the central political tasks of our age, a task that can no longer wait: to produce the vision needed to lift our eyes and inspire our hopes and, above all, to generate, the will to *act*.

A few weeks ago, on our national holiday, thousands of people met here in Washington in another kind of symposia—called Honor America Day. There were speeches . . . pagentry . . . flags . . . music . . . and the singing of songs about America the Beautiful. With the end of that day, the pageant disbanded; the last echoes of the songs and speeches and shouts died away; the flags were folded and stored. The celebration honoring America the Beautiful ended. But time is now too short to permit us any longer the luxury of affording annual genuflections and emotional outpourings to a beautiful America. We have to move from rhetoric to action, and from pageantry to concrete policy.

I call for honoring America, not by remembering the beauty even as it is being eroded, but by creating and restoring the beauty that is our heritage and the heritage of all men. Let us together join in waging an all out battle against threats to our environment.

Let us devote our energies and minds to the creation of an America great not because it has under its control terrible powers of destruction but because it has demonstrated the most effective powers of construction and the proper measure of respect for nature and for this Earth that is our home.

SICKNESS ABSENTEEISM OF ALCOHOLICS

Mr. HUGHES. Mr. President, E. I. du Pont de Nemours & Co. has been a pioneer in recognizing alcoholism as a disease and in initiating programs for the rehabilitation of their alcoholic employees. Since du Pont first hired an alcoholic counselor in 1942, many of their employees have recovered from the disease of alcoholism and gone on to high positions within the company and have made outstanding contributions which would have been lost were it not for the company's foresight and humanitarian attitude toward its employees.

Sidney Pell, Ph. D., and C. A. d'Alonzo, M.D., both of I. E. du Pont de Nemours & Co., have recently completed a study which was published in the June 1970 issue of the Journal of Occupational Medicine entitled "Sickness Absenteeism of Alcoholics." This study clearly demonstrates the economic drain caused by untreated alcoholics. The untreated alcoholic averages 14 days excess sick leave every year as compared with non-alcoholic employees. This increased absenteeism is due to gastrointestinal ailments, accidents, and so forth.

As I have pointed out in this Chamber many times, untreated alcoholism is costing American industry in excess of $7 billion each year.

I commend E. I. du Pont de Nemours & Co. for its pioneer leadership and ask unanimous consent that this article be printed in full in the RECORD.

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

SICKNESS ABSENTEEISM OF ALCOHOLICS

(By Sidney Pell, Ph. D. and C. A. D'Alonzo, M.D.)

Absence from work is one of the major factors contributing to the economic cost of alcoholism, but there is surprisingly little documentation of the amount of absenteeism among alcoholics and how much their absenteeism differs from that of nonalcoholics.

One of the earliest studies, done by Stevenson in a steel mill, started in 1940.[1] In one year, 382 employees lost 2,692 working days as a direct result of drinking, an average of seven days a year. Stevenson's data did not include time lost by alcoholics for illnesses unrelated to drinking. An analysis of absenteeism among problem drinkers and in a matched control group was done by Observer and Maxwell, but they investigated only 48 problem drinkers, and the absences they studied were only those whose duration was eight days or longer.[2] However, they found that the absence rates of the alcoholics were 2.5 times as great as in the control group. Thorpe and Perrett reported the average number of days of absenteeism of 97 to 119 alcoholics in each year from 1953 to 1956.[3] The average declined from 29.9 in 1953 to 17.6 in 1956. Among all employees, the averages in these years were, respectively, 10.5 and 8.9. Trice found the proportion of employees losing 10 or more days per year to be 37 percent in 72 alcoholics, and 6 percent in 204 "normal" subjects.[4]

The data reported here have been derived from a long-term DuPont Company study of alcoholism in the DuPont Company that was started in 1964. During that year, the authors conducted a survey of DuPont physicians to identify all known or suspected alcoholics. The first phase of this project was a retrospective comparison of the prevalence of chronic disease between alcoholics and a matched control group of nonalcoholics. This phase has been completed and the findings published.[5,6] Another phase, now under way, is a long-term follow-up of the alcoholics and controls to assess the mortality experience of the alcoholics. A third phase, an analysis of sickness absenteeism, is presented in this paper.

METHODS

The information required for these studies of alcoholism has been derived mainly from DuPont's medical program, which was started in 1933. This program provides, for all employees, periodic health examinations, consultations, emergency treatment, and work evaluation after a disabling illness. The periodic examination is given annually to employees 40 years of age and older, and biennially to employees under 40 years. The medical section in each plant maintains close surveillance over employees absent from work because of illness. Company physicians frequently contact private physicians and local hospitals to obtain diagnoses and other information needed to determine the employee's fitness for work at the end of his disability. In addition, some plant medical units provide a visiting nurse service.

The Medical Division's activities also include an alcoholic rehabilitation program, which has been in operation since 1942. Employees who appear to have a drinking problem are asked to seek help from medical personnel or Alcoholics Anonymous. The program is conducted, to a large extent, by a recovered alcoholic who is a member of Alcoholics Anonymous and on the staff of the Medical Division. His main functions are to: (1) educate employees by talks to groups at all levels on the nature of alcoholism and how it can be controlled; (2) contact problem drinkers to induce them to enter the company's program; and (3) follow up alcoholics under treatment. As a result of the program, many alcoholics who might have remained hidden are brought to the attention of company physicians, and subsequently rehabilitated.

CASE FINDING

The alcoholics in this study were identified, as mentioned earlier, by a survey of Du Pont physicians conducted in 1964. The physicians were asked to place each alcoholic into one of the following categories:

Known alcoholics: This category includes persons who exhibit alcohol dependency, drinking patterns, and behavioral characteristics, such as disturbed personal relations and impaired work efficiency, that clearly demonstrate they are chronic, uncontrolled alcoholics.

Suspected alcoholics: These are problem drinkers who show evidence of excessive drinking, but for whom information is insufficient to determine unequivocally whether they are alcoholics as defined above.

Recovered alcoholics: These are arrested alcoholics who, as far as it can be determined, are no longer drinking.

SELECTION OF CONTROLS

For each alcoholic admitted to the study, an employee not known to be an alcoholic was selected at random to serve as a control. The controls were matched to the alcoholics by four factors: age, sex, payroll class (ie,

Footnotes at end of article.

salaried or hourly-paid), and geographical location. The age matching was so arranged that the control was not more than two years younger or two years older than the alcoholic. The division by payroll class separated the white-collar workers from the blue-collar workers. In this paper, the former have been designated as "salary", and the latter as "wage." The selection of the controls was made from a complete list of company employees, with the aid of a table of random numbers.

CHARACTERISTICS OF THE COMPANY POPULATION

At the time the survey was conducted, the company employed about 100,000 persons, but the number surveyed for this study was 76,687. The remainder were not included because they were located at small installations, such as sales offices, warehouses, and small plants. Employees at these locations are examined by part-time or referral doctors and, therefore, are not under medical surveillance that is close enough to detect evidence of alcoholism.

The ratio of wage roll to salaried workers in the company is about 3 to 2, and the ratio of males to females is 6 to 1. Employees range in age from 17 to 64. Retirement is mandatory at age 65.

COLLECTION OF DATA ON SICKNESS ABSENTEEISM

Sickness absenteeism of the alcoholics and controls were analyzed for the year 1965, the year following the survey. No influenza epidemic occurred in the company population that year, so that the data on sickness absenteeism are fairly representative of a normal year. From the medical section at each plant and office location, a list of sickness absences of each subject during the year was obtained. The information included the diagnosis of the illness. Only those absences which began between January 1 and December 31 were included. Sickness absences which started before January 1 and extended into 1965 were excluded. When a sickness absence began in 1965 and continued beyond December 31, the number of days of disability that extended into the following year were included in the study.

MEASURES OF SICKNESS ABSENTEEISM

To analyze the frequency and duration of sickness absences, frequency distributions were constructed of the number of sickness absences and of the number of days of disability, and various kinds of rates computed. Three of these were the frequency rate, disability rate, and severity rate, defined as follows:

$$\text{Frequency rate (FR)} = \frac{\text{Number of sickness absences}}{\text{Number of persons}}$$

$$\text{Disability rate (DR)} = \frac{\text{Number of days of disability}}{\text{Number of persons}}$$

$$\text{Severity rate (SR)} = \frac{\text{Number of days of disability}}{\text{Number of sickness absences}}$$

Thus, the frequency rate is the number of absences per person; the disability rate is the number of days of disability per person; and the severity rate, the number of days of disability per absence.

The disability rate is equal to the frequency rate multiplied by the severity rate (DR = FR x SR); that is, the total number of disability days is determined by the number of absences and the duration of the absences.

The "percent disabled per day", which is the average percentage of persons who are disabled each day of the year were also computed. To compute this rate directly, the number of persons disabled on a given day is divided by the number of persons in the work force on that day. The average percentage for the year was computed by the following formula:

$$\frac{\text{Total number of days of disability x 100}}{\text{Number of person-days}}$$

When the number of person-days equals the number of persons x 365.

The rate can also be computed by dividing the disability rate by 365.

RESULTS

The survey identified 922 alcoholics. For this study of sickness absenteeism, however, persons who left the company population during the year of the study because of layoff, retirement, or death had to be excluded. Also excluded were employees at certain office locations where records of short-term absences are not maintained. After these exclusions, there was usable data for 764 alcoholics and 863 controls.

The breakdown of the number of alcoholics and controls by sex and payroll class is shown in Table I; and the age distribution by drinking category, in Table II. Of the 764 alcoholics, 168 were classified as "known," 344 as "suspected," and 252 as "recovered." The median age of the alcoholics was 50.7 years, and was about the same in each drinking category. The median age of the controls was 50.9 years. The large majority of the alcoholics were middle aged; only 97 (12.7 percent) were below the age of 40.

TABLE I.—NUMBER OF ALCOHOLICS AND CONTROLS, BY SEX AND PAYROLL CLASS

	Number	Payroll class	
		Wage	Salary
Alcoholics:			
Male	729	547	182
Female	35	15	20
Total	764	562	202
Controls:			
Male	817	608	209
Female	46	22	24
Total	863	630	233

TABLE II.—AGE DISTRIBUTION OF ALCOHOLICS BY DRINKING CATEGORY

Age	Number	Drinking category		
		Known	Suspected	Recovered
25 to 29	7	1	6	0
30 to 34	15	4	9	2
35 to 39	75	14	42	19
40 to 44	111	19	58	34
45 to 49	146	37	61	48
50 to 54	197	42	85	70
55 to 59	151	38	62	51
60 to 64	62	13	21	28
Total	764	168	344	252
Median age	50.7	51.1	49.7	51.6

FREQUENCY AND DURATION OF SICKNESS ABSENTEEISM

Among the 764 alcoholics, there were 984 sickness absences and 9,941 days of disability during the year. Among the 863 controls, the number of sickness absences was 569, and the number of days of disability, 5,046.

The frequency rate of the alcoholics was 128.8 percent, compared to 65.9 percent among the controls, a ratio of almost 2 to 1. The disability rates were 13.0 days per person among the alcoholics and 5.8 among the controls, a ratio slightly greater than 2 to 1. The severity rate of the alcoholics was 10.1 days per absence, compared to 8.7 among the controls. The average percentage of alcoholics disabled each day was 3.6; among the controls, it was 1.6.

Of the two factors that make up the disability rate, frequency and duration, the frequency of illness contributed more to the excess absenteeism of the alcoholics than did the duration of the absences, as evidenced by the greater disparity seen in frequency rates than in severity rates.

Differences in sickness absenteeism between the alcoholics and controls can also be seen in the frequency distributions of the number of sickness absences and number of days of disability. Repeated bouts of illness during the year were much more common among the alcoholics (Table III). Two or more absences occurred in 32.7 percent of the alcoholics and in 15 percent of the controls; four or more absences, in 9.1 percent of the alcoholics and in only 2.5 percent of the controls. The differences between the frequency distributions of the alcoholics and controls was highly significant ($P < 0.001$).

The alcoholics also showed a greater incidence of prolonged periods of disability (Table IV). Twenty-three percent of the alcoholics compared to 10.3 percent of the controls were disabled for 15 or more days. Thirty or more days of disability occurred in 12.8 percent of the alcoholics and in 6.5 percent of the controls. Twenty-nine alcoholics (3.8 percent) and only six controls (0.6 percent) were disabled for 90 days or more.

TABLE III.—FREQUENCY DISTRIBUTIONS OF THE NUMBER OF SICKNESS ABSENCES AMONG ALCOHOLICS AND CONTROLS[1]

Number of sickness absences	Number		Percent		Cumulative percent	
	Alcoholics	Controls	Alcoholics	Controls	Alcoholics	Controls
0	289	515	37.8	59.7	100.0	100.0
1	226	212	29.5	24.6	62.2	40.3
2	115	83	15.1	9.6	32.7	15.7
3	65	31	8.5	3.6	17.6	6.1
4	38	14	4.9	1.6	9.1	2.5
5	18	7	2.4	.8	4.2	.9
6	6	1	.8	.1	1.8	.1
7	3	0	.4	0	1.0	0
8	2	0	.3	0	.6	0
9+	2	0	.3	0	.3	0
Total	764	863	100.0	100.0		

[1] Chi-Square = 101.7 (5 df) $P < 0.001$.

TABLE IV.—FREQUENCY DISTRIBUTIONS OF THE NUMBER OF DAYS OF DISABILITY AMONG ALCOHOLICS AND CONTROLS [1]

Number of days of disability	Number		Percent		Cumulative percent	
	Alcoholics	Controls	Alcoholics	Controls	Alcoholics	Controls
None	289	515	37.8	59.7	100.0	100.0
1 to 2	82	100	10.8	11.6	62.2	40.3
3 to 4	61	67	8.0	7.8	51.4	28.7
5 to 9	107	62	14.0	7.2	43.4	20.9
10 to 14	49	29	6.4	3.4	29.4	13.7
15 to 19	38	16	5.0	1.8	23.0	10.3
20 to 29	42	18	5.5	2.1	18.0	8.5
30 to 59	53	36	6.9	4.2	12.5	6.4
60 to 89	15	14	2.0	1.6	5.6	2.2
90 to 119	14	3	1.8	.3	3.6	.6
>120	14	3	1.8	.3	1.8	.3
Total	764	863	100.0	100.0		

[1] Chi-Square=112.6 (9 df) P<0.001.

Fig 2 (not printed in the RECORD) shows graphically the cumulative percent distribution of the number of days of disability of the alcoholics and controls who were absent at least once during the year. The curves, therefore, represent the rate of return to work following the onset of illness. It is clear from a comparison of the two curves that the alcoholics returned at a slower rate. The inceasing distance between the curves for the larger numbers of days of disability indicates the higher incidence of prolonged disability among the alcoholics that was mentioned previously.

In addition to an examination of excessive absenteeism of alcoholics, it is also worthwhile to note those alcoholics who had no sickness absences during the year or who had what might be regarded as an acceptable number of days of disability (Tables III & IV). Of the 764 alcoholics, 289, or 37.8 percent, had no sickness absenteeism. An additional 143 were disabled for from one to four days, so that a total of 422, or 55.2 percent of the alcoholics had a reasonably good attendance record for the year.

Age: Disability rates for the alcoholics and controls are shown by age from 35 to 64 years. Age groups under 35 years were omitted because of the small number of subjects. Disability rates were considerably higher among the alcoholics at all ages. The curves were rather erratic, but indicated a general increase of rates with age in both groups.

Sex and payroll class: Women have long been known to have higher rates of sickness absenteeism than do men. This can be seen from the data in Table V which shows frequency, disability, and severity rates by sex and payroll class for alcoholics and controls. The higher rates in women usually arise from an increased frequency of absences rather from longer duration of absences. The data in Table V show that the increase in disability for the female alcoholics was roughly proportional to the increase found in male alcoholics, when each is compared to its respective control groups. For both sexes, the frequency rate of the alcoholics was about twice that of their controls.

A further breakdown by payroll class shows higher frequency and disability rates among wage-roll employees for both alcholics and nonalcoholics. There were only 15 female wage-roll alcoholics in the study, but their illness experience indicated an especially high rate of absenteeism. Their frequency rate was 233.2 percent, and disability rate 22.1 days per person per year.

Occupation: Frequency and disability rates in seven occupational categories are shown in Table VI. In every category, illness rates were considerably higher in the alcoholics than in the controls. Both frequency and disability rates were highest among alcoholics classified as "laborers and other unskilled workers." There is no indication in these data that any particular occupational group of alcoholic employees is able to keep its absenteeism down to the level of nonalcoholics.

TABLE V.—FREQUENCY RATES, DISABILITY RATES, AND SEVERITY RATES OF ALCOHOLICS AND CONTROLS, BY SEX AND PAYROLL CLASS

	Total	Wage	Salary
Males:			
Frequency rate (percent):			
Alcoholics	125.0	132.2	103.3
Controls	63.3	65.8	56.0
Disability rate (percent):			
Alcoholics	12.8	12.9	12.3
Controls	5.8	5.9	5.4
Severity rate (percent):			
Alcoholics	10.2	9.8	11.9
Controls	9.0	9.0	9.6
Females:			
Frequency rate (percent):			
Alcoholics	213.9	233.3	190.0
Controls	110.9	113.6	108.3
Disability rate (percent):			
Alcoholics	18.0	22.1	15.0
Controls	7.1	9.7	4.8
Severity rate (percent):			
Alcoholics	8.2	9.5	7.9
Controls	6.4	8.6	4.4

TABLE VI.—FREQUENCY RATES AND DISABILITY RATES OF ALCOHOLICS AND CONTROLS, BY OCCUPATION

Occupation category	Number of subjects [1]		Frequency rate (percent)		Disability rate	
	A	C	A	C	A	C
Professional and technical	59	48	120.3	72.9	18.3	7.0
Clerical workers	56	54	117.9	85.2	9.3	4.1
Foremen, supervisors, and superintendents	76	111	122.4	42.3	9.8	5.6
Craftsmen	139	195	119.4	77.4	10.7	7.2
Operatives	357	378	138.4	62.2	13.6	5.6
Service workers	32	40	103.1	67.5	11.5	3.8
Laborers and other unskilled workers	36	26	144.4	88.5	21.8	7.2
Total	755	852	129.1	66.2	13.0	5.9

[1] A=Alcoholics; C=Controls.

TABLE VII.—SELECTED INDICES OF SICKNESS ABSENTEEISM OF ALCOHOLICS AND CONTROLS, BY DRINKING CATEGORY

	Total	Drinking category		
		Known	Suspected	Recovered
Number of subjects (n):				
Alcoholics	764.0	168.0	344.0	252.0
Controls	863.0	207.0	378.0	278.0
Number of absences (a):				
Alcoholics	984.0	242.0	471.0	271.0
Controls	569.0	110.0	274.0	185.0
Number of days of disability (d):				
Alcoholics	9,941.0	3,257.0	3,726.0	2,958.0
Control	5,046.0	1,115.0	2,168.0	1,763.0
Frequency rate (percent) (a/n × 100):				
Alcoholics	128.8	144.0	136.0	107.5
Controls	65.9	53.1	72.5	66.5
Disability rate (d/n):				
Alcoholics	13.0	19.4	10.8	11.7
Controls	5.8	5.4	5.7	6.3
Severity rate (d/a):				
Alcoholics	10.1	13.5	7.9	10.9
Controls	8.7	10.1	7.9	9.5
Percent disabled per day:				
Alcoholics	3.6	5.3	3.0	3.2
Controls	1.6	1.5	1.6	1.7
Percent disabled 1 time [1]:				
Alcoholics	62.2	69.0	64.5	54.8
Controls	40.3	34.3	42.1	42.8

[1] Differences between alcoholics and controls significant by chi-square test in all groups. P<0.01 in Recovered category; P<0.001 in all other groups.

DIFFERENCES BY DRINKING CATEGORY

Frequency rates: Table VII shows various rates of sickness absenteeism in each of the three drinking categories. The frequency rate was highest among the known alcoholics (144.0 percent), somewhat lower in the suspected group (136.9 percent), and lowest among the recovered alcoholics (107.5 percent). In all categories, however, the rates among the alcoholics were considerably higher than those of the controls. It is interesting that, although the recovered alcoholics had a notably lower frequency rate than those found among the known and suspected alcoholics, they nevertheless had a much higher frequency rate than the controls to whom they were matched; ie, 107.5 percent compared to 66.5 percent.

Disability rates: Among the known alcoholics, the disability rate was 19.4 days per person, considerably higher than the rates found in the suspected and recovered groups, which were 10.8 and 11.7. In these latter groups, the rates were a little less than twice that of their controls, but the disability rate of the known alcoholics was 3.6 times the rate in their control group.

Perhaps the most meaningful estimate of the amount of excess absenteeism resulting from alcoholism is the difference in disability rates between the known, uncontrolled alcoholics and their controls; ie, 19.4 less 5.4. This difference, 14 days per person per year, is an estimate of the average number of disability days among alcoholics that is in excess of what can normally be expected among nonalcoholics.

Severity rates: The severity rate was highest among the known alcoholics (13.5 days per absence), but it was not much higher than the rates in the other two categories, or than in the control groups. The severity rate of the suspected alcoholics, 7.9, was comparatively low and equal to their controls.

Incidence of prolonged disability: Although a majority of the alcoholics were disabled for five days or less, a comparatively high percentage were disabled for long periods of time (Table VIII). About 1 out of every 10 controls were disabled for 15 or more days, but this amount of disability was experienced by one out of three known alcoholics and one out of five suspected and recovered alcoholics. Disability of 30 or more days and of 60 or more days occurred at a slightly higher rate in the suspected and recovered alcoholics than in the controls, but among the known alcoholics, the incidence was very high: 36, or 21.4 percent, were disabled for 30 or more days; and 16, or 9.5 percent, for 60 or more days. The proportion of controls disabled for these lengths of time were, respectively, 5.8 percent and 1.9 percent.

TABLE VIII.—PERCENT OF ALCOHOLICS AND CONTROLS DISABLED FOR 15, 30, AND 60 OR MORE DAYS BY DRINKING CATEGORY

Number of subjects	Total	Drinking category: Known	Suspected	Recovered
Number of days of disability:				
15 or more days:				
Alcoholics	178.0	55.0	75.0	48.0
Controls	90.0	19.0	39.0	32.0
30 or more days:				
Alcoholics	98.0	36.0	31.0	31.0
Controls	56.0	12.0	25.0	19.0
60 or more days:				
Alcoholics	45.0	16.0	12.0	17.0
Controls	20.0	4.0	8.0	8.0
Percent:				
15 or more days:				
Alcoholics	32.3	32.7	21.8	19.0
Controls	10.4	9.2	10.3	11.7
	(1)	(1)	(1)	(2)
30 or more days:				
Alcoholics	12.8	21.4	9.0	12.3
Controls	6.5	5.8	6.6	7.0
	(1)	(1)	(3)	(2)
60 or more days:				
Alcoholics	5.9	9.5	3.5	6.7
Controls	2.3	1.9	2.1	3.0
	(1)	(4)	(3)	(3)

[1] $P<0.001$.
[2] $P<0.05$.
[3] Not significant.
[4] $P>0.01$.

CAUSES OF DISABILITY

In analyzing sickness absenteeism by cause of disability, it was necessary to contend with a certain amount of inaccuracies in the diagnosis reported. The problem is greatest for short-term absences, when very often the employee is not attended by a physician, so that the diagnosis must be based upon symptoms reported to the plant medical section by the employee when he returns to work. The problem is even greater for alcoholics. Short-term absenteeism resulting from alcoholic intoxication would probably be reported as some common minor disorder, such as a cold, "flu," or gastrointestinal upset. In this study, a diagnosis of alcoholism was made in only 26 absences. There were probably many more.

Frequency rates for alcoholics in major diagnostic categories (Table IX) were higher in all categories except genitourinary disorders. The magnitude of the differences is shown by the ratio of frequency rates; that is, the rate among the alcoholics divided by the rate among the controls. The highest ratios were seen for accidents (3.5), musculoskeletal disorders (2.7), and digestive disorders (2.4). The ratio for mental illness was 3.3, but the number of absences in this category was small. All the disabling accidents of the alcoholics occurred off the job.

TABLE IX.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS BY DIAGNOSTIC CATEGORY

Diagnostic category	Number of absences	Frequency rate (percent)	Ratio of frequency rates: alcoholics / controls
Respiratory infections:			
Alcoholics	294	38.5	1.7
Controls	194	22.5	
Digestive disorders:			
Alcoholics	215	28.1	2.4
Controls	103	11.9	
Musculoskeletal disorders:			
Alcoholics	111	14.5	2.7
Controls	46	5.3	
Virus infections, unspecified:			
Alcoholics	53	6.9	1.3
Controls	45	5.2	
Cardiovascular disease:			
Alcoholics	40	5.2	1.9
Controls	23	2.7	
Accidents:			
Alcoholics	35	4.6	3.5
Controls	11	1.3	
Alcoholism:			
Alcoholics	26	3.4	
Controls	0	0	
Neurological disorders:			
Alcoholics	23	3.0	1.5
Controls	17	2.0	
Genitourinary disorders:			
Alcoholics	19	2.5	0.6
Controls	34	3.9	
Mental illness:			
Alcoholics	15	2.0	3.3
Controls	6	.6	
Other illnesses:			
Alcoholics	75	9.8	2.0
Controls	42	4.9	
Unknown:			
Alcoholics	78	10.2	1.8
Controls	48	5.6	
Total:			
Alcoholics	984	128.8	2.0
Controls	569	65.9	

Respiratory infections and digestive disorders combined accounted for about one-half of the absences and about one-third of the total number of disability days in both the alcoholics and controls. Frequency distributions of the number of absences in these illness categories are shown in Tables X and XI. Differences between the frequency distributions of the alcoholics and controls are highly significant ($P<0.001$). In both categories, a much higher percentage of alcoholics than controls were absent one or more times, and had repeated bouts of these illnesses. Two or more absences for respiratory infections occurred in 7.2 percent of the controls and in 3.8 percent of the alcoholics. Differences between alcoholics and controls were even greater for digestive disorders. Almost 20 percent of the alcoholics but only about 10 percent of the controls were disabled at least once. Two or more absences occurred in a little more than one percent of the controls, but in 5.8 percent of the alcoholics.

TABLE X.—FREQUENCY DISTRIBUTIONS OF THE NUMBER OF ABSENCES AMONG ALCOHOLICS AND CONTROLS FOR RESPIRATORY INFECTIONS[1]

Number of absences	Number		Cumulative percent	
	Alcoholics	Controls	Alcoholics	Controls
0	540	707	100.0	100.0
1	169	123	29.3	18.1
2	42	29	7.2	3.8
3	11	3	1.7	.4
4	2	1	.3	.1
Total	764	863		

[1] Chi-square=28.7 (2 df) P<0.001.

TABLE XI.—FREQUENCY DISTRIBUTIONS OF THE NUMBER OF ABSENCES AMONG ALCOHOLICS AND CONTROLS FOR DIGESTIVE DISORDERS[1]

Number of absences	Number		Cumulative percent	
	Alcoholics	Controls	Alcoholics	Controls
0	616	773	100.0	100.0
1	104	80	19.4	10.4
2	28	8	5.8	1.1
3	13	1	2.1	.2
4	1	1	.4	.1
5+	2	0	.3	.0
Total	764	863		

[1] Chi-square=36.1 (2df) P <0.001.

For some of the more common illness categories, specific illnesses within these categories were examined to find out how much each illness contributed to the excess rate in the alcoholics. The breakdown of various types of digestive disorders is shown in Table XII. The category *gastrointestinal upsets* accounted for most of the absences and the largest difference between alcoholics and controls. This category includes such conditions as nausea, vomiting, diarrhea, indigestion, gastritis, gastroenteritis, and "stomach upsets," usually resulting in only short-term, but, among the alcoholics, frequent disability. Occasionally, diagnoses of this type may have been made when alcoholics stated they were afflicted with one of these conditions to explain an absence resulting from alcoholic intoxication. At other times, these conditions may actually have occurred, but as a result of excessive drinking.

As for the other diagnoses in the category of digestive disorders, the numbers of absences were too small to draw any firm conclusions. It is worth noting, however, that six alcoholics, but no controls,, were disabled by cirrhosis of the liver; and 11 alcoholics and 4 controls, by hernia.

TABLE XII.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED DIGESTIVE DISORDERS

Diagnosis	Number of absences	Frequency rate (percent)
Gastrointestinal upsets:		
Alcoholics	167	21.9
Controls	66	7.6
Cirrhosis of liver:		
Alcoholics	6	.8
Controls	0	0
Peptic ulcer:		
Alcoholics	18	2.4
Controls	13	1.5
Hernia:		
Alcoholics	11	1.4
Controls	4	.5
Gall bladder disease:		
Alcoholics	6	.8
Controls	7	.8
Other digestive disorders:		
Alcoholics	7	.9
Controls	13	1.5
Total:		
Alcoholics	215	28.1
Controls	103	11.9

Table X shows frequency rates for the four illnesses that made up the category *respiratory infections*: upper respiratory infection, influenza, bronchitis, and pneumonia. In each of these illnesses, the frequency rates were higher in the alcoholics, and the ratios of rates were about the same.

TABLE XIII.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED RESPIRATORY INFECTIONS

Diagnosis	Number of absences	Frequency rate (percent)
Upper respiratory infection:		
Alcoholics	173	22.6
Controls	116	13.4
Influenza:		
Alcoholics	71	9.3
Controls	51	5.9
Bronchitis:		
Alcoholics	35	4.6
Controls	24	2.8
Pneumonia:		
Alcoholics	15	2.0
Controls	4	.5
Total:		
Alcoholics	294	38.5
Controls	194	22.5

The very high incidence of absenteeism of alcoholics for musculoskeletal disorders was unexpected. A breakdown of the six most common diagnoses in this category are shown in Table XIV. For each of these diagnoses, the frequency rate of the alcoholics was considerably higher than that of the controls. The frequent occurrence of low back disorders, disc problems, and muscular strain may have been brought on as a result of poor judgment or impaired reflexes in lifting or in the execution of other bodily movements while under the influence of alcohol.

TABLE XIV.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED MUSCULOSKELETAL DISORDERS

Diagnosis	Number of absences	Frequency rate (percent)
Arthritis:		
Alcoholics	18	2.4
Controls	5	.6
Rheumatism:		
Alcoholics	15	2.0
Controls	7	.8
Low back disorders, etiology unspecified:		
Alcoholics	22	2.9
Controls	7	.8
Bursitis:		
Alcoholics	17	2.2
Controls	5	.6
Disc disorders:		
Alcoholics	14	1.8
Controls	2	.2
Muscular strain:		
Alcoholics	16	2.1
Controls	6	.7
Other:		
Alcoholics	9	1.2
Controls	14	1.6
Total:		
Alcoholics	111	14.5
Controls	46	5.3

Absenteeism for cardiovascular disease was almost twice as great among the alcoholics as among the controls. Frequency rates for the most common forms are shown in Table XV. Although the rates were higher among the alcoholics in each category, the breakdown yields numbers that are too small to draw any inferences. In the comparison of chronic disease history between these alcoholics and controls, it was found that among the alcoholics the prevalence rate of hypertension was 2.3 times as great as in the controls; and the prevalence of coronary heart disease, 1.3 times as great.[5]

Footnotes at end of article.

TABLE XV.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED CARDIOVASCULAR DISEASES

Diagnosis	Number of absences	Frequency rate (percent)
Coronary heart disease:		
Alcoholics	9	1.2
Controls	8	.9
Other heart disease:		
Alcoholics	7	.9
Controls	4	.5
Hypertension:		
Alcoholics	6	.8
Controls	4	.5
Hemorrhoids:		
Alcoholics	6	.8
Controls	3	.3
Cerebrovascular disease:		
Alcoholics	4	.5
Controls	1	.1
Other cardiovascular disease:		
Alcoholics	8	.9
Controls	3	.3
Total:		
Alcoholics	40	5.2
Controls	23	2.7

The same study of chonic disease history among these subjects revealed, for almost every disease, a higher prevalence among the alcoholics. The one notable exception was kidney stones. A history of this condition was found in only 32 alcoholics—compared to 55 in the control group. This difference is reflected in the data on sickness absenteeism, even though the numbers are much smaller; that is, three alcoholics compared to nine controls. The data in Table XVI suggest that the alcoholics may be less prone to develop other types of disorders of the urinary system as well. Urinary tract infections caused disability in 6 alcoholics and 12 controls and, in a miscellaneous and ill-defined group of kidney disorders, there were no alcoholics and four controls. When the three classes of urinary disorders were combined, nine cases were found among the alcoholics and 25 among the controls, frequency rates of 1.2 percent and 3.3 percent, respectively.

TABLE XVI.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED GENITOURINARY DISORDERS

Diagnosis	Number of absences	Frequency rate (percent)
Urinary tract infection:		
Alcoholics	6	0.8
Controls	12	1.4
Kidney stones:		
Alcoholics	3	.4
Controls	9	1.0
Prostatitis:		
Alcoholics	4	.5
Controls	1	.1
Miscellaneous kidney disease:		
Alcholics	0	0
Controls	4	.5
Other genitourinary disorders:		
Alcoholics	6	.8
Controls	8	.9
Total:		
Alcoholics	19	2.5
Controls	34	3.9

Respiratory infections by drinking category: Absence rates for respiratory infections did not differ appreciably among known, suspected, and recovered alcoholics (Table XVII). In fact, the disability rates of the three groups were almost identical. It is worth noting that there was no indication of any significant reduction in absenteeism for respiratory infections among the recovered alcoholics. In all groups, all absence rates were higher among the alcoholics than the controls.

Digestive disorders by drinking category: In contrast to respiratory infections, there were notable differences in absenteeism for digestive disorders among the three categories of alcoholics (Table XVIII). The dis-

ability rate among the known alcoholics, 3.5 days per person, was substantially higher than those of the suspected and recovered alcoholics (2.2 and 1.3 days, respectively). This elevated disability rate of the known alcoholics came about mainly as the result of a rather high severity rate: 14.4 days per absence. Although the absence rates of the recovered alcoholics were somewhat lower than those of the known and suspected alcoholics, their rates were higher than the rates of their control group.

TABLE XVII.—SELECTED INDICES OF ABSENTEEISM OF ALCOHOLICS AND CONTROLS FOR RESPIRATORY INFECTIONS, BY DRINKING CATEGORY

	Total	Drinking category		
		Known	Suspected	Recovered
Number of absences:				
Alcoholics	294.0	61.0	144.0	89.0
Controls	194.0	35.0	91.0	68.0
Number of days of disability:				
Alcoholics	1,567.0	344.0	739.0	484.0
Control	936.0	147.0	432.0	357.0
Frequency rate (percent):				
Alcoholics	38.5	36.3	41.9	35.3
Controls	22.5	16.9	24.0	24.5
Disability rate:				
Alcoholics	2.0	2.0	2.1	1.9
Controls	1.1	.7	1.1	1.3
Severity rate:				
Alcoholics	5.3	5.6	5.1	5.4
Controls	4.8	4.2	4.7	5.2
Percent disabled 1 plus times:				
Alcoholics	29.3	28.0	32.6	25.8
Controls	18.1	13.0	18.7	20.9
		(1)	(1)	(2)

[1] P<0.001.

[2] Not significant.

TABLE XVIII.—SELECTED INDICES OF ABSENTEEISM OF ALCOHOLICS AND CONTROLS FOR DIGESTIVE DISORDERS, BY DRINKING CATEGORY

	Total	Drinking category		
		Known	Suspected	Recovered
Number of absences:				
Alcoholics	215.0	41.0	120.0	54.0
Control	103.0	19.0	49.0	35.0
Number of days of disability:				
Alcoholics	1,701.0	591.0	773.0	337.0
Control	951.0	136.0	558.0	257.0
Frequency rate (percent):				
Alcoholics	28.1	24.4	34.9	21.4
Control	11.9	9.2	12.9	12.6
Disability rate:				
Alcoholics	2.2	3.5	2.2	1.3
Control	1.1	.7	1.5	.9
Severity rate:				
Alcoholics	7.9	14.4	6.4	6.2
Control	9.2	7.2	11.4	7.3
Percent disabled 1 plus times:				
Alcoholics	19.4	19.5	22.7	14.7
Control	10.4	9.2	10.6	11.2
		(2)	(1)	(2)

[1] P<0.001.
[2] P<0.01.

[3] Not significant.

DISCUSSION

It is difficult to come up with a single figure that will specify by how much absenteeism of alcoholics exceeds that of nonalcoholics. One reason is that absenteeism is measured in different ways: by the frequency with which it occurs, by the duration of the absences, and by a combination of the two. The latter, the disability rate, is probably the most meaningful. It specifies the number of days of disability per person during a given period of time. Using the disability rate, the data in this study show that alcoholics were disabled, on the average, for 13 days per year, and the controls for 5.8 days, an excess among the alcoholics of 7.2 days, and a ratio of 2.2.

Another problem in measuring the amount of excess absenteeism of alcoholics is the differences in absenteeism that exist among different types of alcoholics. Alcoholics differ with respect to the stage to which the disease has progressed, by drinking patterns, or by whether they are controlled or uncontrolled. In the three categories established, "known," "suspected," and "recovered," some notable differences were found in absenteeism. Not unexpectedly, absenteeism was highest among the known, uncontrolled alcoholics. In this group, the disability rate was 19.4 days of disability per year, compared to 5.4 days in the control group, an excess of 14 days per year, and a ratio of 3.6.

Among recovered alcoholics, the disability rate was 11.7 days per year, considerably lower than the rate found in known, uncontrolled alcoholics. Nevertheless, sickness absenteeism of the recovered alcoholics was substantially greater than among the nonalcoholics. Three factors may explain the excess absenteeism of the recovered group. First, not all of them may have actually recovered. The decision to classify them *recovered* was based only on what could be observed. It is not known how many of these alcoholics, if any, were classified *recovered* simply because they had become more skillful in hiding their drinking. Second, some of the recovered alcoholics could have suffered relapses during the year of the study, either with or without the knowledge of their supervisors or the plant medical department. Third, the most important and most likely reason is that physical and emotional disturbances that produced absenteeism while they were drinking may have persisted among some recovered alcoholics even after they stopped drinking.

The various absence rates presented in this report are essentially averages, and describe the experience of the subjects as a whole, without regard to differences among individuals. Therefore, the picture is not complete without an examination of the frequency distributions of the numbers of absences and the numbers of days of disability. One important feature of these distributions is that a substantial proportion of alcoholics (controlled and uncontrolled) had good attendance during the year of the study. About 38 percent had no sickness absences, and an additional 19 percent were disabled for no more than four days. Two-thirds had either one or no sickness absences during the year. Obviously, poor attendance is not universal among alcoholics, and even a certain segment of uncontrolled alcoholics can at least maintain a good attendance record. How well they perform while on the job is another question, and beyond the scope of this paper.

In studying the causes of sickness absenteeism, it was found that the differences between alcoholics and nonalcoholics were greatest for accidents, musculoskeletal disorders, and digestive disorders. The "accident proneness" of alcoholics needs no explanation. A rather high frequency of disability for low back problems, disc disorders, bursitis, and muscular strains may be a direct effect of alcoholic intoxication. Gastritis is a well-known effect of heavy drinking, and is probably responsible for most of the excess disability reported as gastrointestinal upsets.

Absenteeism for respiratory infections was also excessive among the alcoholics, but to a lesser extent than for the previously mentioned conditions. How many of these absences were actually the result of drinking bouts reported as colds or "flu" is not known, but it is possible that poor nutrition and laxity in health habits of some alcoholics may reduce their resistance of infectious diseases.

A word of caution is needed at this point regarding generalizations of the data presented here to other populations. Absence rates vary by time and place. Over a period of time absence rates are affected by prevailing economic conditions, changes in environmental hazards, and epidemic infectious diseases. Rates also vary among working populations because of such diverse factors as the age and sex composition of the working force, socioeconomic characteristics, types of occupations in the population, provisions of disability insurance plans, and the extent of supervisory control over absenteeism. These factors may affect the magnitude of differences between alcoholics and nonalcoholics in various study populations.

Regardless of the variability of absence rates, there is little doubt that excessive drinking produces excessive absenteeism in alcoholics. It can do so either by causing behavioral changes or by producing physiological changes that lead to acute or chronic illness. These data have thrown some light on the role of each factor, but still leave not completely answered the question of how much excess absenteeism of the alcoholics is due exclusively to alcoholic intoxication, how much to acute illness brought on by heavy drinking, and how much to chronic conditions directly or indirectly related to alcoholism. In addition, some of the excess absenteeism of the alcoholics may result not from alcohol *per se*, but from such factors as excessive use of other drugs, heavy cigarette smoking, inadequate diet, and certain mental and physiological characteristics that lead to disabling illness and, concomitantly, play a role in the etiology of alcoholism.

SUMMARY

Sickness absenteeism of 764 alcoholics during a one-year period was compared to that of a control group of 862 nonalcoholics. The

subjects were divided into three categories: known alcoholics, suspected alcholics, and recovered alcoholics. The frequency rate of the alcoholics was 128.8 percent compared to 65.9 percent among the controls. The disability rate was 13.0 days of disability per person per year among the alcoholics and 5.8 days among the controls. Alcoholics greatly exceeded nonalcoholics in both short-term and long-term disability. Age, sex, and occupation appeared to have little influence on the amount of excess absenteeism of the alcoholics.

Absenteeism of known, uncontrolled alcoholics exceeded that of suspected and recovered alcoholics. The disability rate of the known alcoholics was 19.4 days per person compared to 5.4 days in their control group, an excess of 14 days per year.

Although absenteeism of recovered alcoholics was less than that of the drinkers, their rates of absenteeism were, nevertheless, considerably greater than that of the controls.

A little more than one-third of the alcoholics had no sickness absences during the year, and an additional 20 percent were disabled for from one to four days, so that slightly more than half had an acceptable attendance record for the year.

Absenteeism of the alcoholics was greater than that of the nonalcoholics in all major diagnostic categories except for disorders of the urinary system. The excess among the alcoholics was greatest for accidents, musculoskeletal disorders, and digestive disorders.

Acknowledgement: Coding and collection of data were done by Mrs. Cora W. DiJosie, and statistical calcula+'ons by Miss Ann Dawson.

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 1 minute p.m.) the Senate recessed until tomorrow, Friday, August 21, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 20, 1970:

OFFICE OF SCIENCE AND TECHNOLOGY

Edward E. David, Jr., of New Jersey, to be Director of the Office of Science and Technology, vice Lee A. DuBridge.

EXTENSIONS OF REMARKS

SECOND ANNIVERSARY OF THE DEATH OF REFORM IN CZECHOSLOVAKIA

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 20, 1970

Mr. SCOTT. Mr. President, today marks the second anniversary of the death of reform in Czechoslovakia. Two years ago today, troops of the Soviet Union, the Polish People's Republic, the Hungarian People's Republic, the Bulgarian People's Republic, and the German Democratic People's Republic, smashed across the Czechoslovakian border and ended the reform movement of Premier Alexander Dubcek.

For 8 months, Dubcek's regime had been loosening the Communist grip on the people of Czechoslovakia. Hardline Stalinists were expelled from the Government, censorship was eased, and fuller civil rights were promised. But these liberties were short lived. The 200,000 troops who poured into Czechoslovakia the night of August 20 effectively snuffed out the candle of liberalization.

Admittedly, Mr. President, the reforms were not all-encompassing, but it was a start. The people of Czechoslovakia, for the first time while under Communist occupation, experienced a lessening of internal tensions and a broadening of their individual freedoms. The reforms even went so far as to seek a peaceful relationship with the much persecuted Roman Catholic Church.

The Communist bloc leaders, however, afraid of truth, knowledge, and freedom, could not stand idly by. Ultimately 650,000 troops swarmed across Czechoslovakia. Accordingly, the cities were ringed with tanks, reformers were jailed, and the reform movement branded "counterrevolutionary." The valiant Czechoslovakians carried out a program of passive resistance. The Czech people are not quislings. This alone indicates the intense desire for freedom which burns deep in their souls. Mr. President, I began by saying that 2 years ago reform had been killed in Czechoslovakia. The hope and desire, however, for reform is not dead. The Czechs live. Today we let them know that we stand with them.

COMPLETING THE WORK OF CONGRESS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. GERALD R. FORD. Mr. Speaker, as the House contemplates a 3-week recess, I must express the hope that its purpose is to restore our energies so that the unfinished business of the 91st Congress can be substantially completed before submitting its record to the voters in November. The electorate, according to all recent surveys, is becoming increasingly discerning and increasingly impatient.

Americans of both the silent and vocal varieties are well aware that in 1969 a new President came into office with a politically opposed Congress for the first time in 120 years. They applaud and approve of President Nixon's program of reform and redirection. They will judge the Democratic leadership of this Congress by its record of cooperation and support.

That record, Mr. Speaker, is sadly deficient so far in some key areas.

I would be less than candid not to concede that the people's House, the more responsible and representative body in modern times, has a far better score than the other body in this Congress and in this session to date. This is true not only in matters of national security and foreign affairs, where our distinguished Speaker and many of his Democratic colleagues have never hesitated to put country above partisanship, but also in some of the far-reaching domestic reforms and legislative innovations sought by the Nixon administration.

Among these I particularly mention the first fundamental reform of the U.S. postal service, comprehensive overhaul of the tax laws, welfare reform, a more equitable draft selection system and historic advances for the District of Columbia in crime control and self-government.

Nor is there cause this year to be critical of the pace of the appropriations process in the House of Representatives. The Senate is another story. The sums finally appropriated may, unless the recent warnings of the President are heeded, prove to be budget-busting and inflationary in the aggregate. But the foot-dragging and delay of the Democratic majority in this Congress, of which some of my Republican friends are speaking, cannot fairly be blamed on the House Appropriations Committee.

I have carried in my pocket throughout this Congress a little list of major requests which President Nixon has made to the legislative branch of the Government since the voters elected him Chief Executive less than 2 years ago. No appropriation bills are included.

There are 100 Presidential requests for congressional action on my list.

In 19 months, this Congress has completed action—not always favorably—on only 39 of them. Five more for a total of 44 out of 100 have passed both the House and Senate. They either are in confer-