

were not levied. We could do more for the poor by the repeal of all this legislation than we can possibly do by the special enactments designed to help the poor.

That was a rapid summary of some complex pieces of legislation, but rather than elaborate on this topic, I want to take the few minutes remaining to analyze two other proposals. We are all puzzled by the fact that our children receive so much schooling but so little education. Without dwelling on this point, let me just say that this is the inevitable consequence of subsidizing teachers and schools. If we bought a product and let free enterprise compete to see who could win the customers' favor, we would get a better product. But if we subsidize production with no competition for customers, we are guaranteed either a lousy product or a terribly expensive product or both. That is why we are getting lots of schooling at great expense and little education.

How can we cure the situation? Let schools compete for customers. How can that be arranged? Stop giving money to schools. If you

want to give money away for education, give the parents of school age children vouchers which they can use to pay tuition at whatever school that can attract their patronage. If it costs \$600 a child to operate the Omaha school system, give the parents of your school children vouchers good for up to \$600 to pay tuition at any school. Public schools would then have to compete with each other and with private schools to see whose product can attract customers. Parents who want their children in programs with an abundance of individual attention or other especially expensive features could add the \$200 or \$300 required to pay the tuition in schools offering such programs. Present public schools would have to compete with each other for students as well as with private schools. The badly run schools would lose out to the well run schools. Schools would become more efficient in their use of resources as well as producing a better product in the competition to obtain students.

It's time we applied the free enterprise principle to this socialized arena in order to get our children educated. It's time that we

stop putting children in jails labeled school from 9 to 3 every day.

This would have the advantage not only of improving the education of our children. It would also slow the indoctrination of our children with a socialist theology. The employees of a socialized enterprise are not likely to feel much loyalty to the free enterprise principle. (There are, of course, some exceptions.) Their analysis of the virtues of socializing economic activity is not likely to be balanced with more than a passing nod to the disadvantages. Their analysis of the defects of free enterprise is not likely to be balanced with equal enthusiasm for the discussion of the advantages of a free enterprise system.

You are killing the political support for the free enterprise principle by your support of socialized schooling. If you persist in this suicidal course, you will continue to get costly education and poor education for your children and an erosion of the free enterprise arena. Free enterprise will continue to die by the salami technique—slice by slice. . . .

## SENATE—Monday, August 24, 1970

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. RUSSELL).

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

Eternal Father, we thank Thee for the world in which Thou has placed us. Help us to learn its laws and to trust its mighty powers.

We thank Thee for the world within us, fashioned for Thy presence—for the silent spaces of the soul and the kingdom of the mind.

We thank Thee for the world of the spirit revealed to us in the Man of Nazareth, for the vastness of His love, the purity of His life, and the grace of His forgiveness.

Let that mind be in us which was in Him that we may be gentle as He was gentle, true as He was true, brave as He was brave, loyal as He was loyal, and prompt as He to do the Father's will. Grant that we may so live this day that Thy kingdom may be advanced in and through us.

For Thine is the kingdom and the power and the glory forever. Amen.

### CALL OF THE ROLL

The PRESIDENT pro tempore. Since the Senate adjourned on Friday, August 21, 1970, without a quorum, the first order of business is to obtain a quorum.

The Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 265 Leg.]

Allen	Byrd, W. Va.	Fong
Allott	Cook	Griffin
Anderson	Dominick	Hansen
Bellmon	Eagleton	Harris
Bennett	Eastland	Hart
Bible	Ellender	Hatfield
Boggs	Ervin	Holland
Burdick	Fannin	Hruska

Jordan, N.C.	McIntyre	Sparkman
Jordan, Idaho	Metcalf	Spong
Mansfield	Muskie	Stennis
Mathias	Packwood	Williams, Del.
McClellan	Ribicoff	Young, N. Dak.
McGovern	Russell	

(MRS. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is temporarily absent.

The PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Brooke	Goldwater	Percy
Byrd, Va.	Goodell	Prouty
Case	Hartke	Proxmire
Cooper	Hollings	Randolph
Cranston	Long	Thurmond
Curtis	Magnuson	Yarborough
Dole	McGee	
Fulbright	Moss	

The PRESIDENT pro tempore. A quorum is present, and the clerk will proceed to call the roll again on the final passage of H.R. 18127, the public works appropriation bill.

The clerk will proceed to call the roll. The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senators from Minnesota (Mr. McCARTHY and Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE) is absent because of the death of a friend.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine

CARTHY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE), is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG), the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Tennessee (Mr. GORE), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is temporarily absent.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 62, nays 1, as follows:

[No. 266 Leg.]

YEAS—62

Allen	Cranston	Hansen
Allott	Curtis	Harris
Anderson	Dole	Hart
Bellmon	Dominick	Hartke
Bennett	Eagleton	Hatfield
Bible	Eastland	Holland
Boggs	Ellender	Hollings
Brooke	Ervin	Hruska
Burdick	Fannin	Jordan, N.C.
Byrd, Va.	Fong	Jordan, Idaho
Byrd, W. Va.	Fulbright	Long
Case	Goldwater	Magnuson
Cook	Goodell	Mansfield
Cooper	Griffin	Mathias

McClellan	Packwood	Spong
McGee	Percy	Stennis
McGovern	Prouty	Thurmond
McIntyre	Randolph	Williams, Del.
Metcalf	Ribicoff	Yarborough
Moss	Russell	Young, N. Dak.
Muskie	Sparkman	

NAYS—1  
Proxmire

NOT VOTING—37

Aiken	Javits	Schweiker
Baker	Kennedy	Scott
Bayh	McCarthy	Smith, Maine
Cannon	Miller	Smith, Ill.
Church	Mondale	Stevens
Cotton	Montoya	Symington
Dodd	Mundt	Talmadge
Gore	Murphy	Tower
Gravel	Nelson	Tydings
Gurney	Pastore	Williams, N.J.
Hughes	Pearson	Young, Ohio
Inouye	Pell	
Jackson	Saxbe	

So the bill (H.R. 18127) was passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes on the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President Pro Tempore appointed Mr. ELLENDER, Mr. RUSSELL, Mr. MAGNUSON, Mr. HOLLAND, Mr. STENNIS, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG of North Dakota, Mr. HRUSKA, Mrs. SMITH and Mr. ALLOTT conferees on the part of the Senate.

Mr. HART. Mr. President, I rise merely to underscore my hope that, at the first opportunity; namely, on the first supplemental appropriations bill, we will be able to add funds sufficient to begin to mount a fight under the old Refuse Act of 1899—the one weapon immediately available to protect against further deterioration of our navigable streams and waters.

As the able chairman knows, I had intended initially to offer an amendment to the bill just passed in the amount of \$4 million, which would give the Corps of Engineers about 200 additional personnel to undertake this effort. With his counsel, I have come clearly to recognize the desirability of seeking to do that on the first supplemental appropriation. I am grateful for his counsel, and hope we will be able to arm the Corps of Engineers effectively to enforce the old Refuse Act.

In a 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 congres-

sional action on a series of legislative recommendations.

Congress is considering those proposals, and I am confident will act on those it thinks valuable in the fight against pollution.

However, I was disappointed to find no recommendation dealing with one anti-pollution measure already on the books, a measure which if more fully 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 refuse of any description 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.

However, corps officials told the Senate Subcommittee on Energy, Natural Resources and the Environment that the budget request for fiscal year 1971 did not include enough funds to enforce this act as an effective antipollution weapon and that no additional funds would be requested until next fiscal year.

Apparently, budgetary restraints was the main reason the corps was not asking additional funds.

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 fully 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 has said it could use an additional \$4 million to begin to move toward full scale enforcement of the act this year.

I will urge that we add to the first supplemental appropriations bill the \$4 million, or as much of that figure as the corps can use for the portion of the fiscal year remaining when the bill becomes law.

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.

Mr. ELLENDER. Mr. President, as I indicated to the distinguished Senator from Michigan last Friday, we had no hearings at all on the proposal that he made to the Senate, and under rules that were established long ago by the sub-

committee of which I am chairman, we did not present for consideration on the floor any proposals on which he had held no hearings.

I wish to assure the distinguished Senator from Michigan, as well as to reiterate to the distinguished Senator from Wisconsin, that there will be a supplemental bill soon, and I believe that on at least two of the subjects suggested by the distinguished Senator from Wisconsin, that is the Great Lakes demonstration and planning project, and the research program on inland lakes, there will be forthcoming some budget estimates, and I am very hopeful we might also be able to get a budget estimate for the program that has been mentioned by the distinguished Senator from Michigan. I assure both Senators that I shall do all that I can to see that adequate hearings are held on these programs and that a good case can be made for these programs so that the amounts they have asked for can be incorporated in the next supplemental appropriation bill.

Mr. HART. I thank the Senator from Louisiana. Mr. President, I ask unanimous consent that an information bulletin issued by the Corps of Engineers early in August be printed in the RECORD.

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

**FACT SHEET—CORPS CAPABILITY FOR REFUSE ACT ENFORCEMENT**

1. Section 18 of the River and Harbor Act of 1899 (33 U.S.C. 407), known as the Refuse Act, makes it illegal to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description, whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water. The Corps of Engineers has in the past limited its enforcement of this provision of law to discharges carrying suspended material which becomes obstructive to navigation. Recent court decisions and the import of the Fish and Wildlife Coordination Act, the Water Quality Improvement Act of 1970, and the National Environmental Policy Act of 1969 have all stressed urgency of a more literal application of the law.

2. In testifying before the Subcommittee on Energy, Natural Resources and Environment of the Senate Commerce Committee on 29 July 1970, Mr. Robert Jordan, III, General Counsel to the Secretary of the Army and Special Assistant to the Secretary of the Army for Civil Functions acknowledged this urgency and announced that he was directing the Corps of Engineers to publicize the need for a permit for all future discharges into navigable streams and tributaries thereto (see attached press release). He also reported on steps being taken to reach an inter-agency agreement with the Departments of Interior and Justice on Enforcement procedures under this law. However, he noted limitations in the capability of the Corps of Engineers to increase its surveillance, investigation and reporting of cases for legal action, indicating that a budgetary request for the necessary funds would be initiated for fiscal year 1972, the next such opportunity.

3. To initiate such expanded activity, it is estimated that an average of 4-5 persons per

Engineer District would be necessary, or a total of about 200 persons Corps-wide. With appropriate travel funds and administrative expense, it is estimated that additional funds in the amount of \$4,000,000 would be required under General Regulatory Functions. If these funds and personnel spaces were available in FY 1971, this expanded effort to improve water quality could be started one year earlier.

**CORPS OF ENGINEERS ANNOUNCES NEW PERMIT REQUIREMENTS**

The Corps of Engineers today announced new permit requirements under the Refuse Act (33 USC 407) concerning all discharges into navigable waters. Permits will be required for all industrial discharges into navigable waters and their tributaries. New permits will be required where existing permits were granted without adequate consideration of the quality of the effluent. Permits will also be required for current discharges into navigable waters where no permits have been granted.

Applicants of new permits are now required to identify the character of the effluent and to furnish pertinent data such as chemical content, water temperature differentials, toxins, sewage, quantity of solids involved and the amount and frequency of discharge.

The Corps' revised requirements are in compliance with the Environmental Policy Act of 1969 which requires agencies to consider environmental impact in the administration of public laws, and with the Water Quality Improvement Act of 1970 which requires applicants for Federal permits to file a certification from the appropriate State that the discharge "will not violate applicable water quality standards." Under the revised procedures, the effects of discharges on water quality will be considered in processing the permit.

While permits will be required for all future discharges into navigable waters and their tributaries, the Corps of Engineers will initially concentrate on major sources of industrial pollution not covered by existing permits. The Corps hopes that through widespread knowledge of its new permit requirements including State certification, it will, alone with other Federal, State, and local anti-pollution activities, encourage industries to accelerate their own anti-pollution efforts.

All actions under the Refuse Act having Water Quality implications are being closely coordinated with the Federal Water Quality Administration to insure unity in the Federal Water anti-pollution program.

Mr. MUSKIE. Mr. President, I want to congratulate the senior Senator from Louisiana, Senator ELLENDER, for his excellent effort in bringing this legislation to the Senate.

The Public Works Appropriation bill contains a variety of items of importance to the American people. In recent years, it has received special attention from those of us who are interested in the fight to preserve the Nation's environment.

The appropriation for water pollution in 1968 and 1969 did not keep pace with the level of funding authorized in 1966; however, because of the strong commitment of the Senator from Louisiana, last year the Senate voted the full \$1 billion authorized for fiscal year 1970. The final \$800 million figure agreed on by the conference indicated to States and local government that the Federal Government would keep its commitments to pay part at cost of construction of needed waste treatment facilities.

Once again this year, the Appropriations Committee in the Senate has acted

to fund the water pollution program at a level which will evidence good faith and continue to honor the commitment the Congress made in the Clean Water Restoration Act of 1966.

The \$1 billion appropriated for fiscal year 1971 is less than that which I had hoped and is less than that which I understand the chairman of the subcommittee recommended. It may be the maximum that can be effectively spent in the next 12 months. It will stimulate the construction of new waste treatment plants. It will stimulate States which have been slow to inventory their needs and move ahead. It will help honor the Federal promise to reimburse those States which acted in anticipation of full Federal funding, and most importantly it will mean that less sewage is dumped untreated into the Nation's waterways.

As a result of the formula included in the bill, 20 percent of that \$1 billion or \$200 million will be available to reimburse States which have prefinanced the Federal share the cost of projects since 1966. The remaining 80 percent will be allocated on the formula established in the existing law, a formula which is under review by the Subcommittee on Air and Water Pollution.

Many States, according to the information available, will not utilize their allocation this year. However, fiscal year 1971 funds not used by some States will be reallocated next June to other States which have greater needs. These two innovations: First, setting aside 20 percent of the appropriation for reimbursement and, second, providing for the reallocation of the 1971 appropriation after 1 year, rather than the statutorily established 18 months, should expedite funding of State and local waste treatment plant construction.

Mr. President, I would like to take this opportunity to make a few comments on the statistical information made available by the administration on the cost of the waste treatment plant construction program. As Members of the Senate will recall, earlier this year the President indicated that there was a \$10 billion backlog of needed waste treatment facilities. The President estimated the Federal share of constructing those facilities would be \$4 billion and, in his environmental message, recommended funding that \$4 billion over a 9-year period with authority to obligate these funds in 4 years.

Since that message, additional information has been provided to the Subcommittee on Air and Water Pollution, which indicates that the Federal Government intends to fund \$3.2 billion of that \$10 billion in the next 4 years. The remaining \$800 million will be made available at the rate of \$200 million a year to fund projects which have been approved for reimbursement and which the States are expected to fund ahead of the availability of Federal grants.

Since the President's message on the environment, additional information has been provided the Subcommittee on Air and Water Pollution which suggests that the pending proposals for Federal funding are even less adequate than originally suggested. According to

a study provided by the National League of Cities-U.S. Conference of Mayors, retirement of the backlog of waste treatment plants will cost an estimated \$33 to \$37 billion. In other words, the \$3.2 billion represents something less than 10 percent of the actual cost.

After Labor Day, the Subcommittee on Air and Water Pollution will begin to mark up pending water pollution legislation. These figures, as well as other information available to the Subcommittee, will be the basis for determining the degree of funding to be provided for this program. I only mention these figures now so that my colleagues will be aware of the fact that this program will be expensive and will require a continued massive injection of high priority of Federal funds.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a staff memorandum on this subject.

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

AUGUST 21, 1970.

To: Senator EDMUND S. MUSKIE.  
Subject: Estimates of Federal Cost for Grants for Waste Treatment Plants

According to information developed by the Administration, there is a backlog of grant requests in excess of funds available for obligation of \$132 million. According to the same information, the proposed appropriation of \$1 billion together with the \$435 million carry-over from 1970, will meet or exceed by varying amounts the estimated needs of 41 states, and will fall short of the estimated needs of 13 states.

At such time as the funds are reallocated from the first 41 states, the reallocated amount will be less than the demand of the other states by the above mentioned \$132 million. This is due to New York's demand of \$504 million which, in fact, exceeds their eligibility for funds under the Clean Water Restoration Act of 1966.

The Administration now estimates reimbursements to be \$197 million. I understand that the new figure is the amount actually advanced by the states for the Federal share of projects cost. It does not include the Federal share that will be advanced for projects approved but not under construction, nor does it include the Federal share of the remaining portion of projects under construction. In other words, it only represents the actual out-of-pocket cost that the Federal Government would have incurred had adequate funds been available to fully fund these projects. The earlier reimbursement figure of \$814 million has been deleted from these calculations except for the \$197 million actually owed.

These are projects which have been approved and for which the states have allocated a portion of Federal funds for preceding years, but on which construction has not begun, and for which no actual funds have been expended. The Federal obligation for these projects is in excess of \$600 million, an amount which should be a part of any calculation of demand for Federal funds. If the amount is included, the total demand would be \$2.28 billion.

Mr. EAGLETON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from New Mexico (Mr. MONTOYA), together with an insertion.

There being no objection, Senator MONTOYA's statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MONTOYA IN SUPPORT OF H.R. 18127, PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATION BILL, 1971

Mr. MONTOYA. Mr. President, the Senate today passed a bill that will have far-reaching effects on many aspects of the nation's water resources. It funds numerous projects that fulfill the needs of citizens in many localities, including the state of New Mexico. These programs are designed to insure that man can control these water resources to his best advantage rather than being victimized by their excesses. Programs for flood control will prevent extensive damage to municipalities and industry, and especially to our agricultural lands. The money spent for such programs is an investment that pays excellent dividends. Studies have shown that the potential damage in areas affected by the projects far exceed the costs of the measures taken.

But beyond merely preventing damage, these projects harness the water resources and put them to use in supplying power, in satisfying irrigation needs, in fulfilling commercial and municipal needs for water, in meeting recreational desires, and in serving numerous other needs.

More than a billion and a half dollars is being appropriated in the bill for dams, reservoirs, and other public works projects that are to be undertaken by the Army Corps of Engineers and the Bureau of Reclamation. This money will be used for general investigations as well as construction at various sites across the country. More than a billion dollars is allocated for other water and power projects of a more regional nature such as the Tennessee Valley Authority, the Southeastern Power Administration, and the Bonneville Power Administration.

Mr. President, these programs are all very worthwhile, but in recent years many citizens have come to realize that there is more to the water resources program than merely making water available in the necessary quantities. What is equally important is the quality of the water being supplied. A multi-million dollar dam may be quite efficient in supplying water to a local municipality, but that expenditure has been useless if the water is thoroughly polluted.

FEDERAL WATER QUALITY ADMINISTRATION

Congress recognized the dangers of water pollution in 1966 when it passed the Clean Water Restoration Act. This bill authorized levels of spending for federal waste treatment grants that were to increase from an initial outlay of 150 million dollars in 1967, to 1 billion dollars last year, to 1 1/4 billion dollars for fiscal year 1971. Last year heated debate occurred with regards to the level of appropriations for these projects. Despite the clear recognition of the urgency of the problem by many groups, including the Water Resources Council, who, in their report of November 1968 estimated that the total water requirement by the year 2020 will be over 400 percent greater than the amount used in 1965, the administration requested only 214 million dollars. This was subsequently raised to 600 million in the Senate Appropriations Committee and, after an amendment raising this figure to the full billion dollar authorization passed the Senate, a conference report set the compromise figure of 800 million dollars.

This year the committee has recommended 1 billion dollars for the Federal Water Quality Administration, which administers these waste treatment programs. This is still less than the 1 1/4 billion dollars authorized and is a minimal amount to even begin meeting needs in this area.

This money, according to the provisions of the 1966 act, is distributed in the form of grants made to the state or local munici-

palities. However, several problems have arisen. In expectation of full funding at the levels authorized by Congress, local governments have embarked upon ambitious projects for which funding has not been forthcoming. They have ended up footing the brunt of the bill. Also, because the bill provided that funds would be distributed proportionate to population in each state, rather than water needs, some states have been unable to get sufficient funds, while others have not utilized their money. Measures are being taken to correct some of these inequities, but in the meantime the water needs of many communities remain serious.

During fiscal year 1970 New Mexico received 2,436,460 dollars for 14 different programs in 8 different localities. This amount was below the amount that the localities were potentially eligible had full funding been available.

We cannot be sparing in dealing with the water pollution crisis. Newcomers to Washington are dismayed to see the sorry state of the historic Potomac River. The Great Lakes are rapidly becoming incapable of life support. And even the almighty Mississippi River has taken on a brownish hue. The gloomy prophecies of the ecologists, once dismissed as mere scientific daydreaming, have become a stark reality to many Americans who find their local streams, rivers, and lakes no longer suitable for swimming, for fishing, or even for drinking.

I am in general agreement with the ecologists about the gravity of the situation, but I am not as pessimistic as some. The very technology that has inadvertently created many of these problems can be just as easily put to work to solve them, provided the commitment of the nation is there. A nation that can land a man on the moon within a decade can surely clean up her waters and put them to work for her in many useful ways. Expenditures of several billion dollars are far from unrealistic when considered in light of the tremendous amount spent on defense and, in particular, for as-yet-unproved defense missile systems. Mr. President, we are spending billions of dollars to protect ourselves against a nuclear war that is becoming increasingly unlikely of ever occurring. But to guard against natural disasters that are sure to come if we do nothing, we quibble about relatively small sums. Also, the money spent on these water resources programs, unlike dollars down the drain for defense, are a real investment in the country and its people.

ARMY CORPS OF ENGINEERS

Mr. President, this bill funds several projects that are vital to the state of New Mexico. The money appropriated for the Corps of Engineers includes 170,000 dollars for seven survey projects that will determine the need for construction of water facilities. This sum will only allow for the completion of three of these surveys. All three were to be completed last year but now they require extra funding because of cost overruns due to anticipated increases in interest rates.

The completed projects are Santa Fe River; Rio Hondo and Rio Felix and tributaries; and Rio Puerco and Rio Salado (tributaries of the Rio Grande). Funds would also be allocated for continuation of work on four other survey projects. They are: Rio Grande and tributaries in New Mexico and Colorado; Pecos River and tributaries at Carlsbad; Pecos River Basin above Santa Rosa; and the Pojoaque River and tributaries. Most of these projects will remain far from completion with the limited funds included in this bill.

Floods in the areas affected by the surveys have caused considerable property damage and, in some cases, a loss of lives. In October, 1954, the Rio Hondo and Rio Felix caused total damages of 2 million dollars and a loss

of eleven lives. The Pecos River caused a million dollars damage at Carlsbad in 1966. Other flooding caused damages to the metropolitan areas of Santa Fe and Roswell, and considerable damage to agricultural areas in the vicinity. Surveys being conducted by the Corps will investigate the need for building dams, reservations, diversions, and channel improvements. Besides flood control the facilities will be aimed at meeting needs for irrigation, municipal and industrial water supplies, water quality control, recreation, and fish and wildlife conservation.

Three projects in New Mexico are now under construction by the Corps and further funds would be allocated to them in this bill. The 700,000 for the Albuquerque Diversion Channels would almost allow the completion of the project. Authorized by the 1954 Flood Control Act, the project consists of two diversion channels designed to intercept storm sewers, which otherwise would be funneled through arroyos and washes onto heavily populated areas of Albuquerque. Only the Northern Diversion Channel has been completed thus far.

The Cochiti Dam and Reservoir Project, authorized by the 1960 Flood Control Act and P.L. 88-293, will be one of the major parts of the comprehensive plan for development of the water resources of the Rio Grande watershed. The reservoir will control 11,695 miles of drainage area and will assist in preventing flood damage in Albuquerque, the Middle and Espanola Valleys, and the smaller urban areas of Bernalillo, Los Lunas, Belen, and Socorro. The reservoir and dam will also be a major recreational site for northern New Mexico, contributing substantially to the economy of the area. Almost seven million dollars is allocated for the project in this bill.

Finally, the bill includes 200,000 dollars for additional work on the Los Esteros Dam and for modifications of the Alamogordo Dam. This reservoir would help to stop property damage and loss of life caused by frequent flooding of the Pecos River and its tributaries, as well as providing for irrigation storage. Although the allocation is somewhat higher than it was last year, the project is still far from completion.

#### BUREAU OF RECLAMATION

Mr. President, the Bureau of Reclamation also operates many multi-purpose water resource projects in seventeen western states. They have expanded the scope of their activity greatly in recent years. Originally this agency devoted their efforts largely to irrigation problems. Now only 40% of their resources are devoted to such programs. Financial resources devoted to power development have increased to over 30 percent, municipal and industrial water to 10 percent, flood control to about 10 percent, and recreation and other functions to about 7 percent.

The economic growth stimulated by federal reclamation projects has become evident. The Bureau estimates that 700 million dollars in federal internal revenue collections was attributable to reclamation projects throughout the seventeen western states during fiscal year 1969. The success of the programs is seen through increased agricultural production especially. For instance, federal reclamation projects alone produce about 20 percent of the nation's supply

of vegetables, fruits, and nuts, according to their estimates.

Of the more than 300 million dollars appropriated for the Bureau, 234,700 dollars have been appropriated for three survey projects in New Mexico. These funds would allow completion of the Gallup survey, which seeks to find alternative sources of water to meet the projected potential needs of the city and other potential customers in the area. The Colorado River Basin is one such source that is currently under consideration.

Also to be completed is the Mora survey, which was initiated in order to find a way to alleviate water shortages experienced on about 11,000 acres. The New Mexico State Water plan survey, a comprehensive statewide reconnaissance report on present and future water resources, is scheduled to be completed in fiscal year 1973. Seven other general investigations that each effect several western states, including New Mexico, are to be funded at the level of nearly 3 million dollars. Three of these projects would be completed during the fiscal year.

In addition, more than a million dollars will fund further construction for three projects operated by the Bureau—the water salvage project at the Pecos River Basin, the Carlsbad project, and the Tucumcari Project. Also, of the participating projects that are part of the Upper Colorado River Storage Project, two include New Mexico—the Animas-La Plata project and the San Juan-Chama project, for which more than three million dollars would be appropriated.

#### ATOMIC ENERGY COMMISSION

Mr. President, the bill we are now considering also includes funds for the Atomic Energy Commission. The state of New Mexico has benefitted greatly from the many programs operated there by the A.E.C. In fact, it could well be said that New Mexico is the "A.E.C. state." It was here that the first atomic bomb was tested at Alamogordo. It is here that the A.E.C. operates one of its most vital facilities, the Los Alamos Scientific Laboratory. The Sandia Corporation and the Lovelace Foundation are just two of the many large contractors that do work for the Commission in the state. Total costs incurred by the A.E.C. in New Mexico in fiscal year 1969 were 374 million dollars, a sizeable portion of its total budget.

It is obvious, therefore, that the A.E.C. has been quite important to the economy of New Mexico. But perhaps more importantly, the work conducted in New Mexico has been of vital importance to the nation. Through the efforts of the Atomic Energy Commission the United States has been able to maintain a position of leadership in the field of nuclear technology.

While the discovery of atomic energy may be said by some to be a curse upon mankind, we must recognize that the benefits of nuclear power are potentially crucial to man's existence, and must be developed to the point where they outweigh the risks. Nuclear power is a tool, and a tremendously powerful tool, that can be used just as easily for our salvation as for our destruction.

The A.E.C. is exploring the many possible uses of nuclear power. It is increasing our knowledge and sophistication in this area so that we will be able to use nuclear power to our best advantage. Many citizens do not

realize the great diversity of A.E.C. programs, a large percentage of which involve pure research, the fruits of which will have wide-ranging applications in the scientific field.

One important program is the reactor development program, which is aimed at facilitating the use of nuclear power for a number of non-military purposes. The program is designed to provide cooperative assistance to industry and to other federal agencies. It seeks to make use of the full potential energy available in nuclear fuels, and thus open up vast reserves of energy. For instance, one facet of the program is an exploration of the possibilities of a nuclear process for desalting water.

The appropriation of more than 56 million dollars in plant and capital equipment for the program includes a 1 million dollar allocation for Project Rover, which is being conducted at the Los Alamos Scientific Laboratory, as well as for the Nevada Test Site. The money will be used for the modification and/or expansion of facilities and systems that will allow these institutions to keep pace with the latest developments in the field. Progress in the field of nuclear research requires a flexibility that will allow the plants to adapt to changing conditions, and the proposed level of support will fully fund these changes.

The other major program of the A.E.C. is the physical research program. This supports theoretical and experimental investigations required to support the Commission's immediate and long-range research objectives. This basic research is directed at a greater understanding of atomic energy and its uses. Fundamental research is undertaken in the fields of physics, chemistry, metallurgy and materials, and controlled thermonuclear research. Included in the total appropriations of 129 million in plant and capital equipment for the program are 10½ million dollars for the Meson Physics Facility of the Los Alamos Scientific Laboratory. This amount, plus the 38 million dollars appropriated in previous years, will leave only some seven million dollars to be requested in the fiscal year 1972 for the completion of the project, the total cost of which is 56 million dollars. The project provides for the construction of a nuclear physics research complex consisting of an 800 Mev linear proton accelerator, 2,600 feet long, and attendant experimental and support facilities.

Mr. President, the total appropriations for this year's public works bill is nearly 490 million dollars higher than it was last year. Although this increase is not nearly enough to meet the needs it is designed to serve, it is a step in the right direction. It is a step towards the re-ordering of priorities that is so desperately needed today. We see in many parts of the bill a growing concern, for the first time, of the effect of the projects on our environment. We are coming to realize that for every action there is a reaction and are trying to fathom out just what that reaction will be in each instance. The agencies are moving to implement provisions of the National Environmental Policy Act of 1969 that relate to water resources.

Mr. President, in authorizing these appropriations we are making an investment in our country, its natural resources, and its people.

#### PUBLIC WORKS PROJECTS INCLUDED IN H.R. 18127 THAT DIRECTLY AFFECT THE STATE OF NEW MEXICO

	Total Federal estimated cost	Allocated prior to fiscal year 1970	Allocation fiscal year 1970	Tentative fiscal year 1971	Additional to complete
Atomic Energy Commission:					
Project Rover, Los Alamos Scientific Laboratory	\$1,000,000	0	0	\$1,000,000	0
Meson Physics Facility, Los Alamos Scientific Laboratory	10,500,000	0	0	10,500,000	0
Army Corps of Engineers, general investigations:					
Pecos River Basin above Santa Rosa	230,000	\$125,000	\$60,000	35,000	\$10,000
Pecos River and tributaries at Carlsbad	505,000	3,000	10,000	12,000	480,000

## PUBLIC WORKS PROJECTS INCLUDED IN H.R. 18127 THAT DIRECTLY AFFECT THE STATE OF NEW MEXICO—Continued

	Total Federal estimated cost	Allocated prior to fiscal year 1970	Allocation fiscal year 1970	Tentative fiscal year 1971	Additional to complete
Pojoaque River and tributaries.	\$255,000	\$2,000	\$10,000	\$18,000	\$225,000
Rio Grande and tributaries, New Mexico and Colorado.	1,535,000	0	9,000	10,000	1,516,000
Rio Hondo and Rio Felix.	231,000	149,000	52,000	30,000	0
Rio Puerco and Rio Salado.	145,000	105,000	0	40,000	0
Santa Fe River, Santa Fe.	149,000	134,000	0	15,000	0
Army Corps of Engineers, construction:					
Albuquerque Diversion Channels.	17,500,000	13,506,000	2,200,000	700,000	1,094,000
Cochiti Reservoir, Rio Grande.	63,800,000	12,349,000	1,947,000	6,850,000	41,504,000
Los Esteros Reservoir and modification of Alamogordo Dam.	13,200,000	606,000	104,000	200,000	12,200,000
Bureau of Reclamation, general investigations:					
Gallup.	85,025	9,325	55,000	20,700	0
Mora.	145,284	82,284	27,000	36,000	0
New Mexico State water plan.	938,000	271,065	108,000	187,000	371,935
More than 1 State:					
Lower Colorado, comprehensive survey (4 States).	1,167,984	566,984	312,000	289,000	0
Lower Colorado, general (4 States).	4,214,655	2,443,655	270,000	260,000	1,241,000
Regional Planning Service, region 4 (7 States).	860,000	0	0	10,000	850,000
Upper Colorado River Basin, comprehensive survey (4 States).	1,333,462	723,462	127,000	283,000	0
Upper Gila River (Ariz.-N. Mex.).	769,701	463,701	282,000	24,000	0
West Texas and east N. Mex. import.	2,902,000	1,447,416	668,000	545,000	241,584
Western U.S. water plan (various States).	15,000,000	0	218,000	1,480,000	13,202,000
Bureau of reclamation, construction:					
Pecos River Basin, water salvage project (N. Mex.-Tex.).	2,518,341	—	1 1,211,123	300,000	1,007,218
Carlsbad project.	4,000,000	—	1 140,726	900,000	2,959,274
Tucumcari project.	1,542,768	—	1 1,311,768	110,000	1,121,000
Bureau of Reclamation, upper Colorado River storage project: (Participatory projects):	74,660,000	49,229,228	5,947,000	1,747,000	18,126,772

<sup>1</sup> Allocated to date.

Mr. GOODELL. Mr. President, I ask unanimous consent to place the following communications in the RECORD.

The first is a telegram from Gov. Nelson A. Rockefeller in which he strongly recommends appropriation of additional funds for construction of sewage treatment plants. He points out that the State has prefinanced \$405 million of the Federal share of these plants, and the State's municipalities have prefinanced \$370 million, for a total of \$775 million as of June 30, 1970.

In addition the State provides its own 30-percent share of the costs, and the municipalities provide 20 percent for its own share.

The second is a recent letter from Mr. Syd Askoff, chairman of the Sewer Committee of the Suffolk County Legislature. The effect of Federal underfinancing on New York State taxpayers in assuming this huge burden is set forth by Mr. Askoff. He points out that a homeowner in Suffolk County can expect to pay approximately \$300 more a year in property taxes for at least 40 years for sewage disposal facilities. This amount would be dramatically decreased if the Federal Government obligated its full 50 to 55 percent of its share of the cost, instead of an average of 7 percent as at present.

I think it is unfair for New York and its localities to have to bear the burden of financing the Federal Government's obligation, particularly in these days of soaring interest rates. It is my hope that adequate funds will be appropriated so that the Federal Government will be able to meet its obligation to repay funds prefinanced by State and local governments.

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

Senator CHARLES E. GOODELL,  
New Senate Office Building,  
Washington, D.C.:

It is my understanding that the Senate is about to take action on appropriation bill H.R. 18127 which includes appropriations for water pollution control authorized under the clean water restoration act of 1966.

I strongly support adoption of the amendment you are sponsoring to provide for full funding of the \$1.25 billion authorized in aid for construction of sewage treatment plants. In the last four years, Federal appropriations have lagged nearly \$1 billion behind the amount authorized with the result that Federal participation in New York State's pure waters program has averaged only seven percent, even though all projects qualify for fifty percent in Federal funding and most for fifty-five percent.

Because of the shortage, New York has pre-financed \$405 million of the Federal share in addition to providing its own thirty percent grant share. The State's municipalities have pre-financed another \$370 million along with their basic share, for a total of \$775 million in pre-financed funds which are owed by the Federal Government to the State and its municipalities.

Under the State's program 211 additional projects valued at \$1.495 billion and eligible for \$822 million in Federal funds are expected to be approved during the current Federal fiscal year. The combination of the \$775 million that New York and its municipalities have prefinanced and the \$822 million for which we are eligible in new projects totals \$1.597 billion which New York alone can use during the present fiscal year.

I also urge deletion of the provision which extends by an additional six months the time before which unused funds appropriated for fiscal 1970 can become available for reallocation. Deletion will permit these unused funds to become available as soon as possible for projects ready to go in States like New York.

The shortage in Federal funds, along with the funding and reallocation provisions of the Federal program with their lack of consideration to need or ability to use funds has served to penalize New York because of the size and advanced position of our effort to restore New York's waters. Your favorable consideration of these recommendations will help to correct this imbalance in the Federal program.

NELSON A. ROCKEFELLER.

COUNTY OF SUFFOLK,  
Babylon, N.Y., August 10, 1970.  
HON. CHARLES E. GOODELL,  
New York City, N.Y.

DEAR SENATOR GOODELL: In the very near future the construction of sewerage disposal facilities will begin in certain areas in the County of Suffolk. The major part of this

work, costing approximately three hundred million dollars, in direct cost, will be done in a very small portion of the southwest area of County.

As Chairman of the Committee in charge of this work, it has become glaringly apparent to me that even with State and Federal aid, the taxpayers of this District are going to be confronted with a tremendous increase in their yearly taxes unless some way can be found to get additional aid.

So that we can acquaint you with the problem, I have called a meeting of September 16, 1970 at 10 A.M. at the County Center in Hauppauge. At the meeting we hope to have our various representatives in attendance so that we can acquaint them with the problem and also to have our various local officials there to let them know as best we can what the anticipated costs for this work will be.

I would very much appreciate your advising me as quickly as possible whether or not you can be there so that we can make our plans accordingly.

This particular area is presently burdened with intolerable school taxes, as well as various and sundry municipal taxes. In my opinion, it is one of the most highly taxed areas in the County, if not in the State. It is also clear that a homeowner who has a home valued at approximately \$30,000 can expect to pay somewhere in the neighborhood of \$300 per year more for sewerage disposal for at least 40 years. I think it is incumbent upon all of us to direct our attention to this matter since before long the necessity of installing sewers throughout the County will raise similar problems elsewhere and the matter of financing should be looked into now.

Sincerely,

SYD ASKOFF.

PUBLIC WORKS APPROPRIATIONS: INSURING  
CONTINUED PROGRESS IN AMERICA

Mr. YARBOROUGH. Mr. President, a few minutes ago we passed one of the most important matters that Congress must act on each year and that is the funds for vital public works projects in America. These projects are what make the wheels of progress in America turn and insure continued improvement of life in our country.

The public works appropriations bill for this year is a comprehensive measure that deals fairly with the vast problems that exist in every State. I wish to com-

mend the distinguished chairman of the Public Works Appropriations Subcommittee, Senator ELLENDER, and the other distinguished members of the committee for their hard work in producing this bill. I am particularly pleased that the committee acted favorably on many important Texas flood control, navigation, and reclamation projects.

In the interest of time, I shall not speak of each one on these projects individually; however, I would like to comment on certain projects that are of particular significance.

First, I am particularly glad that my colleagues on the Senate Appropriations Committee agreed to provide an additional \$100,000 for the Millican Dam project. Together with the \$50,000 appropriated by the House, this project will receive a total of \$150,000 for preconstruction planning and a study of the effects of this project on the ecology of the area. These additional funds will enable orderly progress to continue on this important project while insuring that the ecological features of this area are not destroyed.

Mr. President, the Millican Dam project is vital to the future economic development of the Brazos Valley of Texas. Progress must be made on it this year. In my opinion, this dam and reservoir when completed, will be a lasting memorial to Gen. Earl Rudder, the late president of Texas A. & M. University, who, during his life, believed in this project and worked hard for it.

Mr. President, I am also pleased that the committee approved my request for an additional \$1 million for construction of the Lakeview Reservoir flood control project. When combined with the \$112,000 provided by the House, the total appropriation for this important project will be \$1,112,000. This means that real progress can be made on this project which is an integral part of the overall Trinity River development plan.

In addition to approving these additional sums for Texas projects, the Senate Appropriations Committee agreed to my request that significant increases for Texas projects which were voted by the House, over the budget request, be retained.

Among these significant increases are the \$100,000 appropriated for planning Aquilla Reservoir in Hill County for which the President did not request any funds; an additional \$45,000 for planning the Cedar Bayou flood control project near Beaumont, which when combined with the \$15,000 originally requested by the administration for this project, brings the total appropriation for Cedar Bayou flood control project to \$60,000; an additional \$2 million for the San Gabriel River project in Williamson County—with this additional \$2 million, a total of \$4 million is provided for this important project; and \$15,000 for the Osa Creek flood control in Robstown, Nueces County. This project was also not included in the budget by the administration.

Other important Texas projects for which the Senate and the House have appropriated funds are:

#### I.—Flood control and navigation projects

Arkansas-Red River chloride control	\$250,000
Aubrey Reservoir	300,000
Bachman and Joe's Creek	5,000
Beeton Reservoir (raise water level)	1,688,000
Big Pine Reservoir	40,000
Brazos Island Harbor	770,000
Brazos Island Harbor at Brownsville	15,000
Brazos River and tributary	425,000
Buffalo Bayou and tributary	1,055,000
Burnett, Crystal and Scotts Bay	10,000
Cibolo Creek	24,000
Colorado River and tributary	24,000
Cooper Reservoir	2,900,000
Corpus Christi Ship Channel	385,000
Delaware Creek	30,000
Denison Reservoir	110,000
Dickinson Bayou	30,000
Duck Creek Channel	182,000
El Paso	2,800,000
Elm Fork Floodway	220,000
Freeport and vicinity	2,000,000
Galveston Bay navigation study	115,000
Guadalupe and San Antonio Rivers	116,000
Gulf Intercoastal Waterway	200,000
Highland Bayou	1,000,000
Lake Kemp Reservoir	1,300,000
Lavon Reservoir	8,400,000
Mouth of Colorado River	185,000
Neches River and tributaries	45,000
Port Arthur	6,840,000
Red River above Denison	65,000
Red River Levees	2,600,000
Sabine—Neches Waterway	5,400,000
San Antonio Channel	1,000,000
San Jacinto River	65,000
Taylors Bayou	250,000
Texas City Hurricane Protection	2,200,000
Texas coast hurricane	500,000
Texas water supply and pollution study	260,000
Trinity River Bridges	2,750,000
Trinity River project	500,000
Vince and Little Vince Vayous	1,000,000
Wallsville Reservoir	2,500,000
White Rock Creek	10,000
Whitney Reservoir	300,000

#### II.—Bureau of reclamation

Cameron County	700,000
Hidalgo and Willacy counties	1,000,000
Santa Maria project	200,000

#### III.—Study projects

Texas Basin projects	130,000
West Texas and Eastern New Mexico Import	545,000

In conclusion, Mr. President, I again wish to commend my colleagues on the Appropriations Committee for their fine work on this bill. They have demonstrated their concern for the well-being of our people by their efforts for this bill. I am pleased that my colleagues have given this bill their overwhelming support.

#### APPROPRIATIONS FOR DICKEY-LINCOLN SCHOOL DAM

Mr. MUSKIE. Mr. President, New England and New York have suffered major power shortages this summer, and we are now told that fuel scarcities will lead to power shortages this winter.

When air-conditioning units shut down, when subways stop running, or when there is no heat in the winter, the differences between private and public power no longer matter.

The Northeastern United States needs all the electric power it can generate with a minimal impact on the environment. Our crisis is of major proportions. Our

reserves of reliable power are low, and we cannot afford to postpone any longer the construction of needed facilities. Charles Luce, chairman of the board of Consolidated Edison, stated in hearings before my Subcommittee on Intergovernmental Relations on August 3 that electric power from the Dickey-Lincoln project could have helped alleviate the power shortage that reached crisis proportions in New York City during the last week in July. As each year passes, the peaking power from Dickey-Lincoln is missed more and more in the major metropolitan areas of the Northeast.

The benefits of this project are vital to New England. When construction of the Dickey-Lincoln facility was authorized in 1965, consumer rates for electricity in New England were among the highest in the Nation because New England has no "Federal yardstick." This situation has not changed. The people of Maine continue to pay some of the highest electricity bills in the Nation, as the promise of 100,000 kilowatts of public power that was made in 1965 goes unmet.

The benefit/cost ratio of the Dickey-Lincoln Dam continues to be almost 2 to 1. This year we have been told of the added benefits of Dickey's potential for the irrigation of potato farmlands. The following excerpts from House hearings on Public Works appropriations discuss this new benefit:

#### EXCERPTS FROM HOUSE HEARINGS ON PUBLIC WORKS APPROPRIATION

Colonel BANE. Sir, there does seem to me to be an increasing awareness of the need for dependable and economic power.

#### IRRIGATION POTENTIAL FOR POTATO GROWING

I should also note another area of potential significant benefit that has not been previously considered. Last month a member of my staff attended a meeting sponsored by Congressman Hathaway relative to the irrigation needs of Aroostook County. Discussed was a report by the Department of Agriculture which indicated that the Aroostook County potato crop yield had been declining since 1964. This reduced yield is attributed to the lack of proper irrigation.

It was estimated that the net income increase to the main potato growers would be between \$8 and \$20 million annually if the irrigation were provided.

Mr. BOLAND. Who developed the report?

Colonel BANE. Department of Agriculture.

Mr. BOLAND. I know Congressman Hathaway has been tremendously interested in this project and has done everything within his power to see it funded and on its way to construction. I notice in the Congressional Record of March 4, yesterday, that he indicates that Dickey could help stabilize and increase the potato crop and improve its quality by providing water for irrigation. This is a benefit which had not heretofore been considered, I understand.

Colonel BANE. That is correct.

Mr. BOLAND. He also said:

"Irrigation would assure that water is available whenever needed. Conservative estimates are that water from the Dickey Reservoir, by increasing yield on 150,000 acres currently in cultivation and improving crop quality, could improve the revenue of Maine potato growers by \$20 million annually."

He has indicated he has asked the U.S. Corps of Engineers to investigate the possibility with respect to the irrigation benefits.

Can you comment on this? You have indi-

cated you are aware of the new proposal to irrigate potato fields in Aroostook County and he says in his opinion this is important as you have indicated, by the Department of Agriculture report, and such irrigation would improve potato quality and again would increase the yield of revenue to the potato growers by \$20 million.

Does the Corps have plans to explore the feasibility of adding an irrigation benefit to this project?

Colonel BANE. We have just received the Agriculture report and naturally we have no money for this year so I do not have the capability right now to explore it in depth. But offhand, based upon the information we have, perhaps a hundred to 200,000 acre-feet of water would be required for this irrigation purpose, which would be a relatively small amount when we consider the gross storage that would be included in the Dickey project of 7.7 million acre-feet.

Mr. BOLAND. Do you have any estimate of cost for exploring the feasibility of implementing this idea?

\* \* \* \* \* Colonel BANE. Not now, I do not. I can provide it.

Assuming that about 2 years would be the minimum required to complete planning, what further increase in the project cost would you anticipate?

Colonel BANE. We would anticipate 14 percent.

Mr. BOLAND. How much would that be?

Colonel BANE. It would be \$35 million more.

Mr. BOLAND. So this would mean this project is now going to cost \$280 million plus, is that right?

Colonel BANE. Yes, sir.

Mr. RHODES. Will the chairman yield?

Mr. BOLAND. Yes.

#### IRRIGATION

Mr. RHODES. Do you have the capability of finding the benefit-cost ratio of these irrigation features?

Do you have any funds in shop to do this?

Colonel BANE. No, sir; not without robbing some other project.

Mr. RHODES. I was sure that would be the answer. We really will have problems considering this new element until we can get some idea of what the cost would be as well as the return.

Do you have any idea of what the annual rainfall is in Aroostook County?

Colonel BANE. Thirty-six inches, I believe, sir. But the problem here, as I understand it, is that there are certain periods that require 1 inch per week and there are certain drought periods, say 1 week, where they have no rain, for example, and maybe more rain at other times, and this is, according to the Agriculture report, affecting both the quality and quantity of the crops.

Mr. RHODES. So this would be really supplemental irrigation?

Colonel BANE. Right, sir.

Mr. RHODES. And if you have 200,000 acre-feet available, you probably would be able to service about 200,000 acres on a supplemental basis?

Colonel BANE. Yes, sir.

Mr. RHODES. I would not imagine it would take more than 1 foot per acre.

Colonel BANE. Yes, I might add on this, as you know, we have already spent considerable money on the preconstruction planning, better than \$2 million. We are getting awfully close to completing it and this other aspect as far as we are concerned would certainly be advisable if we could at least complete the planning on the project.

Mr. BOLAND. You have indicated that you do not at this moment know what the capability would be for implementing the irrigation benefit, and you are going to try to determine what dollar estimate you can place on this benefit.

When will you be able to determine what

you would need for a restudy of this potential new benefit that has now been developed?

Colonel BANE. This is all part of the overall thing, sir.

Mr. BOLAND. Irrigation was never considered in connection with the over-all study?

Colonel BANE. It would have to be considered in conjunction with the over-all study.

Mr. BOLAND. When you arrive at some figure, why do you not supply it for the committee?

Colonel BANE. All right, sir.

(The information follows:)

"The cost of the irrigation study is \$125,000."

Mr. BOLAND. The benefit-to-cost ratio is shown as, 1.9 to 1. Does the escalation and price increase of this project alter the ratio?

I know that the value of the benefits is increasing also.

#### ANNUAL BENEFITS

Colonel BANE. Annual benefits have also increased, \$1.515 million, sir. Actually, the BC ratio has changed practically none since last year. This amounts to a rounding off of the figures.

Mr. BOLAND. Would this new irrigation benefit increase the benefit-to-cost ratio?

Colonel BANE. Again, sir, we would have to see what it could cost to do it, and I do not have the money right now is what I am saying.

Mr. BOLAND. What interest rate has been used in the determination of the current 1.9 to 1 benefit-to-cost ratio?

Colonel BANE. Three and one-quarter percent, sir.

Mr. BOLAND. Will you provide for the record a detailed breakdown of how the request of \$807,000 would be utilized, indicating the items in order of priority?

I note that \$639,000 would be required to complete the preconstruction planning, as you have indicated, after fiscal year 1971.

Colonel BANE. Yes, sir.

(The information follows:)

The recommended appropriation in the amount of \$807,000 for fiscal year 1971 would be used to perform preconstruction engineering and design work as necessary to permit commencement of construction on the diversion works at the Dickey site early in the third quarter of fiscal year 1973 and on the main dam at Dickey in the third quarter of fiscal year 1974. The above amount would be allocated as follows:

- a. Complete the mapping of the main damsite at Dickey and the sites of the saddle dikes and the cross sectioning of the St. Johns River between the Dickey site and the Lincoln School site. \$71,000
- b. Continue and complete the subsurface exploration and sampling of borrow areas for embankment materials for Dickey-Lincoln School dams and the quarry for concrete aggregates. 170,000
- c. Supplement the previously completed program of preliminary foundation explorations as necessary to verify the foundation conditions as final design proceeds on items under (f), (g), and (h) below. 100,000
- d. Commerce surveys and subsurface explorations for relocation of roads and cemeteries and start final design. 80,000
- e. Develop the preliminary master plan and complete the preparation of property maps and real estate planning precedent to the initial construction activities. 100,000
- f. Initiate and continue the final design of the works for diversion and control of the St. Johns River at Dickey and start

preparation of contract plans and specifications	\$120,000
g. Initiate and continue the preliminary design of the powerplants at Dickey-Lincoln School	100,000
h. Commence final design of the main earth embankments and spillway at Dickey	66,000
Total	807,000

Mr. BOLAND. Are there any questions?

Mr. RHODES. I have a few questions.

Again this year, Mr. President, the Senate has included \$807,000 for the final year of preconstruction planning for Dickey-Lincoln School. Again this year, the House has refused to recognize the immediate and urgent need for the project's electric power.

The Senator from Louisiana (Mr. ELLENDER) has worked with my colleague from Maine (Mrs. SMITH) on the Appropriations Committee to overcome resistance to this project, and the people of Maine and New England appreciate his continuing support.

#### PORT JEFFERSON HARBOR DREDGING PROJECT

Mr. GOODELL. Mr. President, the bill provides \$50,000 to commence the preconstruction survey of the Port Jefferson dredging project. The funds would permit the Corps of Engineers to examine the plan of improvements and the project economics.

There is no question that additional receiving facilities will be required to assure an adequate supply of petroleum for Long Island. If they are not provided, the cost of heating oil, gasoline, and other petroleum products would soar.

A number of alternatives to Port Jefferson have been suggested. I hope if funds are provided in the bill that is approved by Congress the survey conducted by the corps will include an examination of alternatives.

However, we do not have an evaluation of the environmental advantages and disadvantages of such a project, and this is an area that is of increasing concern to our citizens. In light of the national environmental policy statement issued June 7, 1970, by the Chief of Army Engineers, Lt. Gen. F. J. Clarke, I would expect the corps to insure conformity with the purposes of the 1969 National Environmental Policy Act and the 1970 Environmental Quality Improvement Act. General Clarke's statement and these laws emphasize the examination of environmental values and how these values directly affect economic, technical, and social factors of federally sponsored programs.

I am pleased that my distinguished senior colleague from New York (MR. JAVITS) has stated he expects the corps to insure conformity with the purposes of these acts. Environmental values must be weighed not only with regard to Port Jefferson, but with regard to alternatives that might be considered.

The rapid population growth on Long Island points to the need of a detailed study of the environmental effects of projects that are proposed for the area. In this connection, I note that the Suffolk County Charter Revision Commission recently recommended that the county

adopt an environmental bill of rights, which reportedly is the first for any county in the Nation. The commission urged that the county's basic policy be to "conserve and protect its natural resources, the quality of its environment and natural scenic beauty, and to encourage the conservation of its agricultural lands."

In view of these considerations and in order to assure that the quality of Suffolk County's environment will be protected, a comprehensive study of environmental and other factors should be made in connection with this project.

**ENVIRONMENT QUALITY: A CONTINUING BATTLE**

Mr. MCINTYRE. Mr. President, I wish to commend the distinguished Senator from Louisiana (Mr. ELLENDER) for his fine work in reviewing the public works appropriations bill of 1971, H.R. 18127. I am most impressed by the fact that the hearings held on the various sections of this bill were among the most complete ever held on these subjects.

I have voted for the bill because I believe it moves us a step forward in the vital battle to do something about our environment and the conservation of our resources.

This is not to say that I approve every crossed "t" and dotted "i" in this legislation. But, on balance, I believe that the funds for pollution control under the waste treatment construction grants program, the Clean Waters Act, and other parts of the legislation can be of value to improving our environment.

The bill, as reported, provides new obligational authority of \$5,258,195,000. This figure is roughly \$5 million less than the budget request and \$27 million more than was authorized by the House. I feel that on the whole the sums appropriated are necessary to the administration of programs covered by this bill. While I do have reservations about certain of the projects funded, I voted to pass this measure, for it is basically sound.

I wish to add my praise for the work of the committee in resolving a most difficult situation with regard to the appropriation for the waste treatment construction grants program. This program has long been the victim of inverted priorities and consequently has never been fully funded. Last year, this trend was significantly reversed when the committee recommended full funding of this program at the level of \$1 billion. While the final conference figure was reduced to \$800 million, it was still almost four times the amount requested by the administration.

This was a significant action, for it broke a longstanding logjam of needed construction of waste-treatment facilities for the control of water pollution.

Yet we are all painfully aware that this was only a beginning. What remains is a backlog of many billions of dollars of needed construction and, as a result of a lack of Federal funding in the past 5 years, a sum of \$800 million of pre-financed and reimbursable obligation by the States. Now it is painfully evident that this backlog must be eliminated. Be the figure \$33 billion advanced by the Association of State and Local Govern-

ments, or \$25 billion advanced by the Senator from Maine (Mr. MUSKIE), or \$10 billion advanced by the administration, we must move to eliminate this backlog or our Nation's waters will undergo further and fatal deterioration.

There is no doubt that funding of this scale requires full Federal participation; State and local governments simply do not have the revenue sources to raise these sums of money without seriously inflating an already tight bond market.

It is for these reasons that I have followed the committee's deliberations with regard to this program with utmost interest. Of all the programs traditionally funded by this appropriation, the water pollution control programs have been the only ones consistently underfunded. Last year's breakthrough, in my opinion, had to be continued and enlarged.

I am most happy to see that this attitude was shared by the distinguished chairman of the subcommittee and by its members. We have before the Senate the continuation and enlargement that I had hoped for. And we have solid evidence in the bill before us that this trend will continue.

This bill recommends the sum of \$1 billion for the waste treatment facilities construction program. This is an increase of \$200 million over last year's appropriation. While there has been criticism that this sum is \$250 million less than was authorized by the Clean Waters Act of 1966, I feel that the committee was justified in determining this level of funding.

Because of the long delay in approving appropriations for this program last year, a sum of over \$400 million still remains to be obligated from sums appropriated for fiscal year 1970. When the committee recommendations are analyzed to consider the outside factors affecting this program, I believe that the recommended funding is the best level that could be arrived for this year.

The committee has arrived at a sound solution to the problem of continuing the impetus provided last year while at the same time providing that legislation to reform this program now pending before the Senate, will be adopted with a clean slate upon which to work. First, the level of \$1 billion, as I have mentioned before, is \$200 million more than was available last year. Second, the committee has recognized the tremendous fiscal burdens by some States, my own State of New Hampshire included, that have prefinanced significant amounts of construction in the expectation of Federal reimbursement. Here the committee has allowed 20 percent—or \$200 million—of the funds appropriated to be used to reimburse these States. This compromise maintains the current funding levels for all States while also giving an added measure of relief to those States that have led the way.

Yet there is still more to be considered in analyzing this bill. First, the committee has recognized that a most significant problem with this program is that its formula for allocation of funds to the States has not been satisfactory and has worked hardship upon smaller States,

like my own, by basing allocations on population. Many States have, therefore, received amounts in excess of their need or capacity to use, while others have received relatively small sums as compared to their needs. Under existing law, sums obligated by the States remain in limbo for at least 18 months before they can be reallocated. From last year, for instance, over \$400 million remains unallocated, while some States have a desperate need for additional funds.

New Hampshire, for instance, received only between \$3 and \$4 million last year out of a total appropriation of \$800 million. Yet the State's projected needs for waste treatment facilities over the next several years have been established at \$156 million. This need goes unmet while over \$400 million remains in Federal coffers unused.

The committee, wisely recognizing this problem, has recommended that funds unobligated under this year's appropriation by the end of the fiscal year will be reallocated to States in need of these funds before the end of the current fiscal year. This will accelerate the reallocation process by approximately 7 months and allow for the reallocation of all unused funds appropriated under the Clean Waters Act of 1966 before the expiration of that act in June 1971. Thus those States most active in this program will be assured of the opportunity to share in all unused funds before a new authorization and appropriation are enacted for the next year.

I feel that these recommendations reflect a profound recognition of existing problems faced in the administration of the waste treatment facilities construction program and present a sound temporary solution to these problems. I might also add that these recommendations reflect changes in this program proposed both by President Nixon and by Senator MUSKIE. These changes could not be enacted in time to affect this appropriation, and the committee wisely used sound discretion in implementing some needed changes on a temporary basis for this year. This action, I am certain, will greatly assist a sound transition when new programs are enacted next year.

I would also like to add a note concerning the other aspects of this appropriation as they relate to environmental quality considerations. Over \$1.75 billion or roughly 32 percent of the funds appropriated by this bill will be used in environmentally related activities. This reflects an unprecedented commitment on the part of the agencies affected by this bill and can serve to correct past difficulties relating to the environmental effect of certain Federal activities. Notable among these expenditures are an appropriation for the creation of an Office of Water Resources in the Corps of Engineers to develop and implement environmental guidelines for field planners, the creation of the post of Assistant to the Commissioner for Environmental Quality in the Bureau of Reclamation, and the creation of an Office of Health and Environmental Science in the Tennessee Valley Authority. It is my hope

that these activities can provide a full measure of protection for environmental quality in the future activities of these agencies.

In concluding my remarks, I would like to mention my keen interest in seeking funds for activities authorized by the Water Quality Improvement Act of 1970. This bill authorized a sum of \$38 million for this fiscal year for research into the effect of pesticides on inland waters, the control of algae and aquatic plants, and for demonstration projects involving new pollution-control techniques on the Great Lakes. I feel that these funds are vitally important if we are to solve some of the most dramatic instances of water pollution now facing this Nation. Our lakes are unique entities. Unlike rivers, they cannot flush themselves of accumulations of pollutants; and these pollutants remain in these waters to greatly accelerate the natural aging process, eutrophication, leaving, after relatively short periods of time, dead waters incapable of supporting most forms of life.

Because of my concern, I joined in an offering amendment to the bill to provide for funding of vital research and demonstration projects authorized by the Water Quality Improvement Act. On Friday, the committee raised objections to the amendment on the ground that it had not held hearings on these matters. Both I and the other sponsors of the amendment have acceded to this objection only with the greatest reluctance. I am satisfied, however, by the comments of the distinguished chairman (Mr. ELLENDER), which indicated that he will hold hearings to include these items in the supplemental appropriation soon to be submitted by the administration. I am satisfied that the Senator shares my deep concern about this matter and I wish to assure him that he has my full support in seeking these funds.

On the whole, the bill reflects many months of hard work. It is a good bill. I feel that it is imperative that the funds appropriated by this measure be made available as soon as possible, especially those for water pollution control and water resources management. I have, therefore, added my vote to approve this bill. I am hopeful that the minor differences with the House bill can be quickly ironed out in conference so that these necessary funds can be put to use.

Mr. BENNETT. Mr. President, I would like to take this opportunity to express my full support of the public works appropriation bill for fiscal 1971 as reported by the Senate Appropriations Committee.

In particular, I would like to bring to my colleagues' attention the \$300,000 for the start of the Upalco unit of the central Utah project and \$300,000 for the Jones Hole Fish Hatchery in northeastern Utah which the committee added to the House bill at my request. I sincerely hope these figures will be retained when the bill goes to conference.

I was very pleased that the committee agreed with Utah's water experts and provided us with a realistic budget for our vital projects. The \$12.9 million approved for the Bonneville unit for the

central Utah project assures a more progressive construction program. It provides for completion of water hollow tunnel and open channel No. 2, as well as acquisition of land for the Strawberry Reservoir enlargement and collection works. Contracts also will be awarded for the construction of Soldier Creek Dam; for Currant Creek Dam; Currant Creek road rehabilitation; Water Hollow Diversion Dam and pipeline; layout tunnel and access road; Layout Creek diversion dam, pipeline, and feeder pipe; Currant Tunnel and access road; and the relocation of U.S. Highway 40 to bypass the enlarged Strawberry Reservoir. The program also provides for initial land acquisition for the Jordan Aqueduct system and the awarding of a contract for construction of Jordan Aqueduct section 1.

The \$500,000 provided for the Jensen unit of the central Utah project will go for the continuation of design and preparation of designs and specifications for Tyzack Dam and Reservoir. Rights-of-way will also be purchased with these funds. This was one of two new reclamation starts included in the President's budget request for fiscal 1971. The Jensen unit will provide municipal, industrial and irrigation water to the Vernal and Jensen areas.

The \$300,000 for the start of the Upalco unit, which the Senate committee added, is particularly gratifying to me. This unit is an irrigation development of the Lake Fork and Yellowstone Rivers north of Roosevelt, Utah. The project, which will eventually cost upward of \$18 million, will include a dam on the Lake Fork River below Moon Lake Reservoir. It will serve as a supplemental water project for the Uintah Basin.

I am also pleased with the \$150,000 in new funds for the Little Dell flood control project which is included in the measure. This will add to approximately \$400,000 appropriated late last year and just recently released by the administration for use, giving the Corps of Engineers about \$550,000 for planning in fiscal 1971.

I also support the \$100,000 provided for planning purposes for the Dixie project in southern Utah.

Mr. President, I cannot overemphasize the importance of these reclamation projects to my State. I would also like to point out that the reimbursable costs of these projects, which represent 90 percent of the total cost, will be paid back to the Federal Government.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 21, 1970, be dispensed with.

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

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business, for action on nominations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

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

#### DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of William Robert McLellan, of California, to be an Assistant Secretary of Commerce.

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

#### FEDERAL TRADE COMMISSION

The assistant legislative clerk read the nomination of Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner.

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

#### ENVIRONMENTAL SCIENCE

The assistant legislative clerk proceeded to read sundry nominations in the Environmental Science Services Administration.

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

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

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

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

#### LEGISLATIVE SESSION

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

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

#### COMMITTEE MEETINGS DURING SENATE SESSION

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

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

#### ORDER FOR RECOGNITION OF SENATOR CHURCH ON WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of the Journal on Wednesday next, and after the disposition of unobjectionable items on the Calendar, the distinguished Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 30 minutes.

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

## CHANGE OF REFERENCE

Mr. JORDAN of North Carolina. Mr. President, S. 3070, a bill to encourage the development of novel varieties of sexually reproduced plants to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, was reported by the Committee on Agriculture and Forestry on August 21, 1970. Since there is subject matter in the bill over which the Subcommittee on Patent and Copyrights of the Committee on the Judiciary has jurisdiction, I ask unanimous consent that the bill be referred to the Committee on the Judiciary.

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

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjection to measures on the Calendar, beginning with Calendar No. 1144, to and including Calendar No. 1150.

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

## EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

The resolution (S. Res. 440) increasing the limit of expenditures for hearings before the Committee on Armed Services was considered, and agreed to, as follows:

## S. RES. 440

*Resolved*, That the Committee on Armed Service hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, \$10,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

## EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 448) authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate was considered and agreed to, as follows:

## S. RES. 448

*Resolved*, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, \$10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

## EXPENDITURES BY THE COMMITTEE ON FINANCE

The resolution (S. Res. 451) 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 was considered and agreed to, as follows:

## S. RES. 451

*Resolved*, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, \$10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

## RESOLUTION PASSED OVER

The resolution (S. Res. 452) authorizing of the 71st annual report of the National Society of the Daughters of the American Revolution as a Senate document was announced as next in order.

Mr. MANSFIELD. Over, Mr. President. The PRESIDENT pro tempore. The resolution will be passed over.

## COPIES OF "EDUCATION IN ISRAEL"

The concurrent resolution (H. Con. Res. 679) authorizing the printing of additional copies of "Education in Israel" for use of the Select Subcommittee on Education was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1133), explaining the purposes of the measure.

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

House Concurrent Resolution 679 would authorize the printing for the use of the House Select Subcommittee on Education of 10,000 additional copies of its report entitled "Education in Israel."

The printing-cost estimate, supplied by the Public Printer, is as follows:

## Printing-cost estimate

Back to press, first 1,000 copies	\$1,397.08
9,000 additional copies at \$407.02	
per thousand	3,663.18

Total estimated cost, House	
Concurrent Resolution 679	5,060.26

## ADDITIONAL FUNDS FOR FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The bill (H.R. 15351) to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission 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. 91-1131), explaining the purposes of the measure.

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

H.R. 15351 would authorize the expenditure of \$75,000 for the continued operation of the Franklin Delano Roosevelt Memorial Commission.

The Franklin Delano Roosevelt Memorial Commission was established by Public Law 372, 84th Congress, approved August 11, 1955, to consider and formulate plans for the design, construction, and location of a permanent memorial to Franklin Delano Roosevelt. The Commission is composed of 12 members appointed as follows: four persons by the President of the United States, four Members

of the Senate by the President of the Senate, and four Members of the House of Representatives by the Speaker of the House of Representatives. The Commissioners serve without compensation, but are reimbursed for expenses incurred by them in carrying out the duties of the Commission.

In 1959, a 27-acre portion of West Potomac Park between Independence Avenue and the inlet bridge was reserved for the site of the proposed memorial.

A national competition was authorized in 1959, and as a result a memorial design was selected. Eventually this design was rejected. The Franklin Delano Roosevelt Memorial Commission was then directed to produce a modified design, and the Commission is currently working to develop an acceptable design.

Since 1955 the total authorization for the Franklin Delano Roosevelt Memorial Commission has been \$285,000. Of this sum, \$110,000 was prize money for the design competition, and \$40,000 was expended to organize and conduct that competition. Another \$47,500 was spent on the latest modification of the memorial design. The remainder of the total authorization, \$89,500, has been expended for the operation of the Commission since 1955. H.R. 15351 would authorize an additional \$75,000 for the continued operation of the Commission.

## INVESTIGATIONS PERTAINING TO CONSTITUTIONAL RIGHTS

The Senate proceeded to consider the resolution (S. Res. 442) to investigate matters pertaining to constitutional rights which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 1, after the word "Resolved," strike out "The S. Res. 336, Ninety-first Congress, second session, agreed to February 16, 1970 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "\$230,000" and inserting in lieu thereof "\$240,000." and insert "That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate \$10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 336, Ninety-first Congress, agreed to February 16, 1970, authorizing a study of matters pertaining to constitutional rights."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1132), explaining the purposes of the measure.

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

Senate Resolution 442 as referred would increase by \$10,000, from \$230,000 to \$240,000, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to constitutional rights it is currently engaged in pursuant to Senate Resolution 336 of the present Congress.

Senate Resolution 336 as agreed to by the Senate on February 16, 1970, authorized the Committee on the Judiciary, or any duly authorized subcommittee thereof, to expend not to exceed \$230,000 from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights.

The additional funds which would be authorized by Senate Resolution 442 are requested by the Committee on the Judiciary to enable it to meet the costs of the salary increase granted by Public Law 91-231, approved April 15, 1970.

The Committee on Rules and Administration is reporting Senate Resolution 442 with an amendment in the nature of a substitute. This action is taken by the committee upon the advice of the Parliamentarian of the Senate, who has recommended that this new format be employed for a resolution to increase the limitation of expenditures by a Senate committee for an inquiry or investigation authorized by a prior Senate resolution.

The committee has also amended the title of Senate Resolution 442 to conform to the amended text.

The amendment was agreed to.

The resolution, as amended was agreed to.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional rights".

#### PROGRAM—ORDER FOR ADJOURNMENT UNTIL TOMORROW

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

Mr. MANSFIELD. I am delighted to yield.

Mr. GRIFFIN. Mr. President, while we have many Senators in the Chamber, I should like to ask the distinguished majority leader whether he could give the Senate some guidance and information as to the program for the remainder of the day and the remainder of the week, if possible.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I would be delighted to respond to the distinguished acting minority leader by stating that, after discussion, it is the intention of the joint leadership to bring up later in the afternoon, unless something contravenes which makes it impossible to do so, Calendar No. 1151, H.R. 17575, an act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies.

In view of what happened last Friday night, which was most embarrassing so far as the Senate was concerned, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

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

(Later the order was modified to provide for an adjournment until 8:30 a.m. tomorrow.)

Mr. MANSFIELD. May I call to the attention of the Senate that there is supposed to begin a 2-day recess beginning at the conclusion of business on September 2, a week from Wednesday. It is only a 2-day recess, and it takes in Labor Day. At the rate we are proceeding, we will be on the pending bill until

sometime close to the election. So I think it is time for the Senate to forget its outside activities, including campaigning—and I have a campaign underway myself—and to attend to the business of representing the people, which is our primary responsibility.

I think the Senate should be on notice that the joint leadership has also discussed the possibility—and it is a very strong possibility—that the Senate will meet this coming Saturday. We will just have to put our collective nose to the grindstone—to invent a new saying—get down to business, and try to come to some agreement in an effort to expedite business.

One of the matters to be taken up is the Hatfield-Goldwater amendment, seeking to create a volunteer army. It was possible to vote on that measure last Thursday, but, unfortunately, no agreement could be reached. Now that I see the three principals on the floor, I wonder whether it would be possible at this time to arrive at a time certain when we could vote on the Hatfield-Goldwater amendment. I will direct my question first to the distinguished Senator from Oregon.

Mr. GRIFFIN. First, a point of clarification. Is it in fact the case that the amendment is pending?

Mr. MANSFIELD. No amendment is pending.

Mr. GRIFFIN. It has not been offered yet?

Mr. MANSFIELD. The reason is, of course, as the Senator from Oregon will explain, that he wanted ample time to be able to bring the matter before the Senate and have interested Senators make their views known, both for and against. He always has been most willing—more than willing—to arrive at a reasonable time agreement so that a final up and down vote could be had on the amendment, of which I happen to be a cosponsor.

It is true that the proponents of this amendment have been anxious to get underway with laying the amendment before the Senate and then going into a full-fledged debate. We have been reluctant to lay the amendment before the Senate until we could reach some kind of time agreement which, hopefully, would include the proviso that we would vote the whole amendment up or down on the merits of the case, rather than to make a decision with a parliamentary procedural vote, such as a vote to table the amendment.

Having failed to achieve that agreement, we have discussed with the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), the possibility of reaching a time agreement without the proviso on the matter of tabling the amendment—hopefully, the Senate would not move in that direction. We are willing to set up a 6-hour time agreement, the time to be divided equally, 3 hours on each side, along with an hour on each amendment which may be offered to the amendment, the time to be equally divided.

I believe that the Senator from Mississippi, in a previous conversation with the distinguished coauthor of the amendment, the Senator from Arizona (Mr. GOLDWATER) and myself, indicated a willingness to agree to that kind of limitation.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. At the proper time, Mr. President.

Mr. MANSFIELD. Is there no possibility of reaching an agreement now?

Mr. STENNIS. When I am called upon, I will state my position. The Senator from Montana called on the Senator from Oregon.

Mr. MANSFIELD. My intention was to ask now for the thoughts of the Senator from Mississippi if the Senator from Oregon has concluded.

Mr. STENNIS. Mr. President, no one would be more anxious to dispose of this amendment than I would after it is really presented and understood by the Members of the Senate. This is one of the most far-reaching amendments that have been offered on the floor of the Senate, without any hearing, during my entire service as a Senator. That is the reason why I did not agree to a quick vote on it.

As part of my effort to bring this matter before the Senate, I have here a letter dated August 21, from Mr. Timmons, who is assistant to the President, directly stating that he is replying to my telephone conversation with Mr. Kissinger on this amendment, and that because of the President's temporary absence from Washington, he asked that I confirm Mr. Kissinger's conversation.

I will ask permission later to insert this letter in the RECORD.

The President, through Mr. Timmons, gives four reasons why he is totally opposed to this amendment in its present form, to any amendment at this time on the subject matter of a volunteer army.

So I feel that that is a rather substantial witness on the subject.

I am ready to vote on the matter. I do not know yet what amendments may be offered, but I am willing to vote on the matter at any reasonable time, say tomorrow. The reason I say tomorrow is that that is a good time for Senators to be advised so that they can get here. The way this matter came up, though, without any hearings, without any consideration by the committee—I do not remember it being mentioned to the committee or asking it to pass on it—I am not willing to go into a unanimous-consent agreement here. It would cut the opposition to the amendment off from using any parliamentary rule that may be available. So, as I understand these agreements to vote at a certain time, it precludes all kinds of motions—to commit, to recommit, to table, and so forth—which I am not going to waive. My purpose is to defeat the amendment, because I think it would be a disaster for the country if it became law now. So I am not waiving any procedure, on behalf of those who are opposed to the amend-

ment. There will be a good many Senators who will be interested in debating it.

Mr. MANSFIELD. Would the distinguished Senator from Oregon consider the suggestion made by the chairman of the Armed Services Committee and the manager of the bill, the distinguished Senator from Mississippi (Mr. STENNIS)?

I make this request only in view of the fact that we are moving very slowly on the bill, and if there is no action, it may well take us beyond Labor Day making the Senate's schedule that much more difficult.

So far as I am concerned, I would oppose any tabling motion on the amendment because I think that an amendment of this significance and importance is entitled to an up-or-down vote. In short, there are no circumstances present that warrant the tabling device, in my judgment. But I also have to face up to the realities and the practicalities of the situation.

If I may ask, would the Senator from Oregon and the Senator from Arizona, who are the chief cosponsors of the amendment, give this matter some thought and see if it might be possible to come to an agreement which would not foreclose the use of a tabling motion, which I would oppose under any and all circumstances, in the interest of expediting the business of the Senate and of getting this matter disposed of one way or the other?

There are some who think that a tabling motion is a way out. It is not. It has, in certain respects, the same effect as an up or down vote. A vote against a tabling motion is a vote in favor of what the Senators from Oregon, Arizona, Montana, and others are seeking to establish. If we vote for it, it means that we are not in favor of the concept or at least we have doubts in our minds about bringing it up at this particular time.

Mr. GRIFFIN. Before the Senator responds, would the Senator from Arizona permit me to say a word?

Mr. MANSFIELD. Surely.

Mr. GRIFFIN. First of all, I want to indicate that the Senator from Mississippi, the chairman of the Armed Services Committee, of course, does accurately reflect the position of the administration concerning the amendment.

The President, as is well known, is very much in favor of the goal of a volunteer army but, at this particular time and in this particular way, it is my understanding the administration is constrained to oppose adoption of the amendment as it is being presented.

As the majority leader has already indicated, I think we should keep in mind that unanimous-consent agreements can be with or without the reservation of the right to offer a motion to table. It is quite common, in fact, for the motion to table to be offered at the conclusion of the time reserved for debate.

Mr. MANSFIELD. Not common, may I say to my distinguished colleague.

Mr. GRIFFIN. Not unusual, I should say.

Mr. MANSFIELD. It is a rare occasion. It is a procedure that should not be em-

ployed lightly and indiscriminately, not that that is the case here—it is not. But it seems to me that a vote on the merits is justified on this matter.

Mr. GRIFFIN. I only wanted to say that if there is an appropriate time for a motion to table, it is in a situation where normally the ordinary procedures of the Senate have to be followed, where there have not been adequate hearings on a very important and far-reaching matter and where the Senate might justifiably not want to vote on the merits of the amendment.

Thus, I want to indicate that the distinguished chairman is entirely within his rights in insisting upon having, at least, the opportunity to offer a motion to table. I would hope that the Senator from Arizona and the Senator from Oregon would give serious consideration to an agreement which would preserve this procedural right for such procedural rights are very important in the Senate.

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

Mr. MANSFIELD. May I say—as I said already—that the Senator from Mississippi is entirely within his rights. I find no fault with what he seeks to do, because it is a procedure allowable to a Senator.

Mr. GOLDWATER. Mr. President, I should like to ask the Parliamentarian the rule on this.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Senator from Arizona will state his inquiry.

Mr. GOLDWATER. As I understand, once a time certain has been agreed to, a motion to table is not in order. I should like to address that query to the Chair.

The PRESIDING OFFICER. If a time certain to vote on an amendment is agreed upon, a motion to table would not be in order unless it is acknowledged in the agreement.

Mr. GOLDWATER. Would it be within the rules of the Senate to agree to an agreement allowing the Senator from Mississippi to move to table at any time during the debate on the amendment?

Mr. MANSFIELD. Yes, but I would hope the Senator is just inquiring—

Mr. GOLDWATER. That is all that I am doing. I just want to get it clear in my own mind.

Mr. MANSFIELD. The Senator from Mississippi is a man of honor and integrity and would bear in mind I am certain that if someone decides to invoke the tabling device they would do so when all time had expired.

Mr. GOLDWATER. I just wanted to make it clear for my own sake, and for the sake of others, what can be done in the circumstances. I certainly do not want to deny my chairman the right to do anything he wants. As the Senator from Montana has indicated, he is probably one of the most honorable Members in this body. Whatever he wants to do, while I may not agree with him, he certainly has the right to do.

Mr. THURMOND. Mr. President, will the Senator from Montana yield?

Mr. HATFIELD. Mr. President, I

should like to respond to the statement of the majority leader.

We are certainly not going to hold up the business of the Senate on the matter of a unanimous-consent agreement problem. We want, basically, the time necessary to express our viewpoints and to discuss this amendment. There is so much misunderstanding about the amendment today that I think 6 hours is certainly a reasonable time to try to clear up the misunderstandings.

This is not an amendment to end the draft. We are not tampering with the draft whatsoever. Under the amendment, we are merely laying the groundwork for a period of experimentation on the basis of whether we can achieve sufficient volunteers within the military to move to an all voluntary army when it comes up in June 1971.

I should like to stress again to the Senate the point that if we do not take this kind of action now, the Senate will be up against the wall, come June 1971, when the matter will be presented to the Senate to extend the draft. I know that there is much sentiment in the Senate today not to extend the draft for another year or 2 years. But I want to say, for the sake of practicality, that we cannot move from one system to another system overnight. If we do not have the basis for this move to a new system well established, we will be facing the inevitable request from the administration to extend the draft another year or 2 years.

I do not think it is fair for the young men of this country to have to face that indecision on the part of Congress. It is a matter of indecision if we do not make some kind of statement of policy now. So I think it will necessitate at least 6 hours to get this sufficiently understood. I certainly will not hold up the business of the Senate by demanding what I think was within our rights under a unanimous-consent agreement to ask for a no-table motion, but I will agree with him on that, if it is a matter of getting on with the business of the Senate, at the same time providing us with adequate time to get clearly understood what the amendment does and what it does not do.

Mr. MANSFIELD. That sounds fair to me. I would request the Senator from Mississippi if he is agreeable to a 6-hour limitation on the Hatfield-Goldwater amendment and a 1-hour limitation on other amendments thereto. I know of only one, the Harris amendment, with the proviso that—I would not even put in a proviso, knowing the Senator from Mississippi, there would be no motions made of any kind until all the time had expired or been yielded back.

Would the Senator from Mississippi agree to that?

Mr. STENNIS. Mr. President, I want to be sure that I understand the effect of any agreement with respect to the exercise of any motion by any Senator.

I am not speaking only for myself. I speak for anyone opposed to the amendment. I would not want to cut anyone off whether he is opposed to it or not. My idea is that whatever we agree to as

the time for that debate it be used as long as either side wants to use it before I would agree to any motion to recommit, table, or follow any other rule allowed by the Senate. I would not want to enter into an agreement to cut anyone off.

Mr. President, since this matter has been argued at some length, I would like to read a letter from the assistant to the President on this matter.

**THE PRESIDING OFFICER.** Does the Senator from Montana yield for that purpose?

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. Mr. President, the letter is dated August 21, 1970. This was prompted by a call from me to the White House, first to Mr. Kissinger, as I related on the floor, and later I told him that I would like to have something in writing. The President was in Mexico at the time.

The letter reads:

THE WHITE HOUSE,  
Washington, August 21, 1970.

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

DEAR SENATOR STENNIS: I am taking the liberty of further reply to your conversation with Henry Kissinger on Amendment 765 to H.R. 17123.

Because of the President's temporary absence from Washington, he has asked that I confirm Henry Kissinger's conversation with you and, more specifically, reaffirm his steadfast determination to establish an All Volunteer Force and bring the draft calls to zero at the earliest possible date consistent with the needs of national security and fiscal responsibility.

As you know, the President sent to Congress, earlier this session, legislation designed to begin implementation of the goals recommended by the Gates Commission. This legislation would provide a 20% pay increase for first-term enlisted personnel effective January 1971. Additional pay and benefit augmentations are planned for fiscal year 1972.

Even though the amendment in question has the same stated goals, the President is opposed to it for several cogent reasons, as follows:

1. There can be no certainty that the proposed changes in pay and incentives will attract sufficient volunteers to permit cancellation of the draft on June 30, 1971, as implied in Amendment 765.

2. It would enact into law a large number of personnel policy changes without knowledge of either their effectiveness or comparative costs with quite possibly more efficient alternative proposals.

3. It would add several billions of unplanned increased costs to the FY '71 budget.

4. And, provide no opportunity for the Armed Services Committees to hear the views of the Department of Defense or other increased witnesses.

In closing, permit me again to assure you that the President's intent to eliminate the draft calls and in concert with the establishment of an All Volunteer Force has not changed. The Administration looks forward to cooperating with you during your soon to be scheduled hearings on this broad and important subject.

With highest regards,

Sincerely,

WILLIAM E. TIMMONS,  
Assistant to the President.

Mr. President, I thank the leader for yielding.

**THE PRESIDING OFFICER.** The Chair states that under the previous order, the able Senator from Oregon (Mr. Pack-

wood) was to have been recognized immediately after the disposition of the reading of the Journal and the disposition of the unobjection to items on the consent calendar.

Does the able majority leader at this time wish to ask unanimous consent that the special order be delayed until the current colloquy is completed?

Mr. MANSFIELD. Yes; briefly. I had discussed the matter with the distinguished Senator from Oregon prior to the vote on the appropriation bill.

I had no idea that the matter would take this long. If the Senator from Oregon would be amenable, I would like to see if we could bring this matter to a head. To make sure that the time granted to the Senator not be infringed upon, I ask unanimous consent that the special order to be delayed until the completion of this colloquy.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

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

Mr. MANSFIELD. I yield.

Mr. THURMOND. Mr. President, because the Senator from Maine (Mrs. SMITH) is absent on official business, she has asked me to act as leader on this side on the military procurement bill.

It is my judgment that the amendment is a mistake. I shall oppose it. But I wanted to say that I also think it is necessary to preserve our procedures, and the position taken by the distinguished Senator from Mississippi is substantiated by me.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill, the distinguished Senator from Oregon (Mr. HATFIELD), and the distinguished Senator from Arizona (Mr. GOLDWATER), as well as the acting minority leader, I send to the desk on behalf of both of us a unanimous-consent request.

**THE PRESIDING OFFICER.** The clerk will state the unanimous-consent request.

The legislative clerk read as follows:

*Ordered*, That on the Hatfield-Goldwater Volunteer Army amendment to the pending measure the time be limited to 6 hours to be equally divided and controlled by the sponsors and the Senator from Mississippi (Mr. STENNIS) and that any amendment to that amendment be limited to 1 hour to be equally divided and controlled by sponsor and Senator from Oregon (Mr. HATFIELD) if Senator HATFIELD is opposed to the amendment; but if Senator HATFIELD is in favor then the time in opposition is to be controlled by the Senator from Mississippi (Mr. STENNIS).

*Provided further*, That no tabling or other motions will be in order until all time allocated is consumed on the question to be tabled.

*Provided further*, That the time will commence to run under this agreement upon the further consideration of the unfinished business on Tuesday, August 25, 1970.

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

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, the amendment has not been offered as yet.

Mr. MANSFIELD. No; but I am sure that we can make a unanimous-consent request. The matter has been discussed, and the reasons why the amendment has not been offered have been made quite clear.

Mr. HOLLAND. Would this mean that the time would begin to run from the time of the adoption of the unanimous-consent request or at the time the amendment is offered.

Mr. MANSFIELD. With the beginning of the consideration of the unfinished business tomorrow. I would hazard a guess that would be about 9:05 a.m.

Mr. HOLLAND. And this would take place regardless of whether the amendment had been called up or not by that time?

Mr. MANSFIELD. Mr. President, the amendment would be called up at that time. It would be called up this afternoon, or almost immediately, so that it would be a matter of record.

Mr. STENNIS. Mr. President, I overlooked the fact that the amendment had not been offered.

Mr. President, is that the situation?

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, the amendment has been printed. It is at the desk. It has not been called up.

Mr. HATFIELD. Mr. President, would the Senator yield for a point of inquiry.

Mr. MANSFIELD. Mr. President, I yield.

#### AMENDMENT NO. 844

Mr. HATFIELD. Mr. President, I ask unanimous consent at this point to lay the amendment before the Senate.

Mr. MANSFIELD. Mr. President, the Senator could call up his amendment and make it the pending business on the basis of the unanimous-consent agreement.

**THE PRESIDING OFFICER.** Is there objection to laying the bill before the Senate at this time so as to make it in order to call up the amendment?

Mr. STENNIS. Mr. President, I am not agreeing to the unanimous-consent request until I make some inquiries. I have no objection to making the amendment the pending business.

Mr. HATFIELD. Mr. President, to clarify the situation, I ask unanimous consent to call up my amendment and make it the pending business.

Mr. HOLLAND. That satisfies the situation as I see it.

**THE PRESIDING OFFICER.** Is there objection? The Chair hears no objection and it is so ordered.

#### AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

**THE PRESIDING OFFICER.** The Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

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

Reserve component of the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will now state the amendment offered by the able Senator from Oregon.

The LEGISLATIVE CLERK. The Senator from Oregon (Mr. HATFIELD) and others propose an amendment, No. 844, as follows:

At the end of the bill, insert the following language:

H.R. 17123

SEC. . The Congress hereby finds that—  
(1) the Armed Forces of the United States can be materially improved and strengthened by increasing and improving the economic and educational benefits of the members thereof, by elevating the status of military personnel generally and by developing and maintaining a system of military manpower procurement based on the free choice of the individual;

(2) 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;

(3) the military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system;

(4) 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;

(5) the President, the Secretary of Defense, and the Secretaries of the military departments should exercise all authority available to them to promote the success of a voluntary system of meeting the military manpower needs of the Nation; and

(6) the Reserve forces should be maintained at adequate strength levels and should be better trained and equipped to meet emergency combat assignments.

#### CONTINUED REGISTRATION

SEC. . 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 reinstated 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.

#### ACTION FOR REINSTITUTING CONSCRIPTION

SEC. . 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.

#### CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. . (a) 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.

In the exercise of such authority, the Secretaries of the military departments shall, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers;

(2) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant services;

(3) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(4) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(5) the improvement and expansion of military recruiting programs;

(6) a more effective incentive program for recruiting personnel under which (A) successful recruiting personnel would be afforded the opportunity to earn extra pay or bonuses as well as accelerated promotions, and (B) quota systems would no longer be in effect; and

(7) the institution of any other appropriate actions designed to upgrade the conditions of military service and the status of military personnel generally.

(b) In implementing subsection (a)(2) of this section, relating to increased utilization of civilian personnel, the Secretary of Defense shall, as soon as practicable, (1) conduct a position-by-position analysis of all military jobs within the Department of Defense with a view to determining which jobs should be performed by military personnel and which should be performed by civilian personnel, and (2) develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel. The position-by-position analysis and the development of data required under this subsection shall be completed not later than eighteen months after the date of enactment of this Act.

(c) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

#### INCREASE IN PAY RATES FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. . The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this Act a revised basic pay schedule for members of the uniformed services incorporating the increases in the basic pay of enlisted personnel and officers listed in the table below and such adjustments in the basic pay of other personnel as the Secretary deems necessary and appropriate to insure equitable pay differences between different grades.

Years of service:	Enlisted personnel	Officer personnel
1	\$1,700	\$1,504
2	1,544	2,031
3	804	1,142
4	727	
5	347	
6	344	
7	233	
8	344	
9-10	258	

SPECIAL PAY FOR PHYSICIANS, DENTISTS, AND VETERINARIANS MADE PERMANENT, INCREASE IN SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. . (a) Sections 302 and 302 of title 32, United States Code, are amended by striking out "and before July 1, 1971." each time it appears in such sections.

(b) Section 302(1) of such title is amended by deleting the comma after "1947" the second time such date appears therein.

(c) Section 302(b) of such title is amended to read as follows:

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(1) \$150 a month for each month of active duty if he has not completed two years of active duty in a category named in that subsection;

"(2) \$200 a month for each month of active duty if he has completed two years of active duty in a category named in that subsection;

"(3) \$450 a month for each month of active duty if he has completed three years of active duty in a category named in that subsection;

"(4) \$600 a month for each month of active duty if he has completed four years of active duty in a category named in that subsection;

"(5) \$750 a month for each month of active duty if he has completed five years of active duty in a category named in that subsection;

"(6) \$900 a month for each month of active duty if he has completed six years of active duty in a category named in that subsection; or

"(7) \$1,050 a month for each month of active duty if he has completed seven years of active duty in a category named in that subsection."

#### MORE EFFECTIVE USE OF PROFICIENCY PAY FOR ENLISTED MEMBERS

SEC. . (a) The Secretary of Defense shall, at the earliest practicable date, promulgate regulations under which the Armed Forces will increase the utilization of proficiency pay authorized by section 307 of title 37, United States Code, for the purpose of attracting and retaining enlisted members who are specially proficient in military skills.

(b) Section 307 of title 37, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) a new subsection (d) as follows:

"(d) Proficiency pay under subsection (a) (1) or (a)(2) of this section shall be made available to enlisted members with critical skills after such members have satisfactorily completed their training in such skill. Proficiency pay under this section shall be paid to enlisted members who qualify therefor without regard to whether they are career members or not."

#### HOSTILE FIRE PAY INCREASE

SEC. . Section 310(a) of title 10, United States Code, is amended by striking out "\$65" and inserting in lieu thereof "\$200."

#### COMBAT ZONE PAY

SEC. . (a) Chapter 5 of title 37, United States Code, is amended by adding after section 310 a new section as follows:

"§ 310a. Special pay: duty in a combat zone

"(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of the uniformed services may be paid at the rate of \$65 a month for any month in which he was entitled to basic pay and was serving in a combat zone.

"(b) A member may not be paid special pay under this section for any month for which he receives special pay under section 310 of this title, but may be paid special pay under this section in addition to any other

pay and allowances to which he may be entitled.

(c) The provisions of section 310(c) of this title relating to determination of fact under that section shall apply in the case of the determination of fact under this section.

(d) The Secretary of Defense shall report to the Congress by March 1 of each year on the administration of this section during the preceding calendar year.

(e) As used in this section the term 'combat zone' means any area which the President by Executive order designates as an area in which Armed Forces of the United States are engaged in combat."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting immediately below

"310. Special pay: duty subject to hostile fire."

the following:

"310a. Special pay: duty in a combat zone."

**EXTENSION OF TIME WITHIN WHICH REENLISTMENT BONUSES MAY BE PAID**

SEC. . Section 308(a) of title 37, United States Code, is amended by striking out "within three months" and inserting in lieu thereof "within six months".

**TRAVEL AND TRANSPORTATION ALLOWANCES AND DISLOCATION ALLOWANCES FOR ENLISTED MEMBERS IN LOWER GRADES**

SEC. . (a) Section 406(a) of title 37, United States Code, is amended by inserting "including a member in pay grade E-4 (four years or less service), E-3, E-2, or E-1," immediately after "A member of a uniformed service".

(b) Section 407(a) of such title is amended by striking out "uniformed service—" and inserting in lieu thereof "uniformed service, including a member in pay grade E-4 (four years or less service), E-3, E-2, or E-1—".

**ENLISTMENTS AND DISCHARGES**

SEC. . (a) Section 505(c) of title 10, United States Code, is amended to read as follows:

(c) The Secretary concerned may accept original enlistments in the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, (1) of male persons for the duration of their minority or for a period of two years, and (2) of female persons for a period of two years. The Secretary concerned may accept an original enlistment in the case of any person for a specified period longer than two years, but not more than four years, where the cost of special education or training to be afforded such person would make a shorter enlistment period impracticable."

(b) Section 505(e) of such title is amended to read as follows:

(e) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for unspecified periods and for periods commensurate with the cost of any special education or training to be received by any member, as may be prescribed in regulations of the Secretary concerned. In no case shall the Secretary concerned specify a period of more than four years of obligated service because of special education or training to be received by any member."

(c) Section 509(a) of such title is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 505(e) and".

(d) The Secretary of Defense shall promptly conduct a comprehensive study to determine the term of service which should be required of enlisted members who receive various types of special education or training programs. The Secretary concerned shall, on the basis of the conclusions reached in such study, prescribe by regulation the term of

service required to be performed by enlisted members who receive special education or training.

(e) Section 1169 of such title is amended to read as follows:

"§ 1169. Regular enlisted members: limitations on discharged

"Any enlisted member who has completed his original period of enlistment and who has been reenlisted for an unspecified period shall be discharged upon written request, except that—

"(1) the Secretary concerned may refuse to grant a discharge during any period of war or national emergency;

"(2) a member shall be required to fulfill a term of service commensurate with the cost of any special education or training received by him, as prescribed in regulations of the Secretary concerned;

"(3) the Secretary concerned may refuse to grant a discharge to any enlisted member who has been assigned to sea duty or duty outside the United States; or

"(4) as otherwise provided by law."

**RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAM INCREASE**

SEC. . Section 2107(h) of title 10, United States Code, is amended to read as follows:

"(h) Not more than the following number of cadets and midshipmen may be in the financial assistance programs under this section at any one time:

"Army program: 10,000

"Navy program: 10,000

"Air Force program: 10,000."

**GREATER UTILIZATION OF CIVILIAN MEDICAL FACILITIES AND PERSONNEL**

SEC. . (a) The Secretary of Defense shall, as soon as practicable after the date of enactment of this Act, formulate plans for utilization, to the maximum extent practicable, of civilian medical facilities and personnel to serve the medical needs of military personnel and their dependents. In formulating such plans the Secretary shall give consideration to more extensive use of a medical insurance program for retired personnel and their dependents and for the dependents of active duty personnel.

(b) The Secretary of Defense shall submit to the Congress the plans formulated pursuant to this section not more than nine months after the date of enactment of this Act, together with such recommendations for legislation as may be necessary to effectuate such plans.

**FORMULATION OF NEW SALARY STRUCTURE FOR THE UNIFORMED SERVICES**

SEC. . (a) The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this Act a new pay structure for the uniformed services. Such pay structure shall—

(1) provide salary schedule of pay which combine basic pay rates and present allowances for quarters and subsistence;

(2) provide for cash contributions to a retirement system similar to the civil service retirement system provided for Federal civilian employees; and

(3) take into account the amount lost as the result of the termination of separate allowances for quarters and subsistence and the amount which will be contributed to a retirement system, including the loss of any tax advantage realized under current law.

The Secretary is authorized to include such other features in any new pay structure as he determines necessary or appropriate to make such pay structure fair and equitable and to attract qualified personnel to the uniformed services.

(b) The Secretary of Defense shall submit to the Congress the new pay structure formulated by him pursuant to this section not later than nine months after the date of enactment of this Act.

**EFFECTIVE DATE**

SEC. . This Act shall become effective upon the date of enactment, except that sections 6, 7, 8, 9, and 10 shall become effective on the first day of the first calendar month in which this Act is enacted.

Mr. MANSFIELD. Mr. President, I yield to the chairman of the committee.

Mr. STENNIS. Mr. President, concerning the unanimous-consent request, reserving the right to object, and I do not expect to object, as the Senator from Mississippi understands now—and I repeat that I would not favor any motion that would cut off this agreed time of debate and thereby preclude either side from making arguments—when that time has expired the amendment of the Senator from Oregon would be subject to any motion, and that includes a motion to table or any other motion that is allowed by the rules.

Mr. MANSFIELD. Absolutely.

Mr. STENNIS. Does the Chair so rule?

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Chair rules that a motion to table would then be in order at the expiration of all time on the amendment.

Mr. STENNIS. My inquiry was: Would any other motion making disposition of the amendment be in order, such as a motion to commit to a committee or any other motion that is permitted under the rules of the Senate.

The PRESIDING OFFICER. The Chair will state, in view of the fact that no specific time has been included in the request to vote on the amendment, any other motion under the rules would be in order.

Mr. MANSFIELD. It is so stated in the unanimous-consent request.

Mr. STENNIS. If I understand correctly, this agreement has no time to vote on the amendment.

The PRESIDING OFFICER. The Senator is correct. No motion under rule XXII would be ruled out by the agreement.

Mr. STENNIS. I have no objection to the agreement. In fact, I welcome it.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement is entered.

Mr. MANSFIELD. Mr. President, I wish to express deepest thanks for the consideration, courtesy, and kindness of the distinguished Senator from Oregon, who has been delayed. I think the delay has been well worthwhile.

I again call to the attention of the Senate that in all probability the appropriation bill for State, Justice, Commerce, and the judiciary will be called up later this afternoon.

**ORDER OF BUSINESS**

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Senator from Oregon is recognized for 1 hour.

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

Mr. PACKWOOD. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be laid aside tempo-

rarily until the special orders for recognition have been concluded and until a period for the transaction of routine morning business, with statements limited therein, has been concluded.

**THE PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

#### THE ABOLISHMENT OF THE SENATE SENIORITY SYSTEM

**MR. PACKWOOD.** Mr. President, I am today circulating for cosponsorship, and will later introduce as an amendment to one of the two legislative reorganization bills presently before the Congress—either S. 844 or H.R. 17654—to abolish the Senate seniority system.

Under the provisions of this amendment, Mr. President, the chairman of each standing committee of the Senate will be elected by the members of that committee who are of majority party. The ranking minority member will be elected by the members of that committee who are of the minority party.

Mr. President, I know it is going to be alleged that this is a startling and abrupt change in our Senate procedures and it should not be done hastily. But for 125 years we have lived under the seniority system and most fair evaluators of it have found it wanting. Mr. President, the seniority system as we presently use it has caused Congress to be a laughing stock among the public. I am merely asking that we experiment with something new. If it does not work we can alter it, or if the Senate desires, we can go back to the seniority system. Nothing will be lost by trying something new.

Defenders of the seniority system assert that in spite of its frailties, it is the best system that has yet been devised to select committee chairmen. I cannot agree.

In this age of crisis, Government must be flexible to meet new challenges. The world is moving at a dizzy pace. Emergencies are omnipresent. Everything is changing.

Yet, the rule of seniority is the direct antithesis of this. It is rigid, inflexible and unyielding. Through seniority, an isolationist may head the Foreign Relations Committee during a period of great internationalism or a foe of conservation may become the chairman of the committee charged with protecting America's dwindling supply of natural resources.

George Haynes, the distinguished historian of the Senate, underscored the repressive rigidity of the seniority system when he wrote:

Servile compliance with the seniority rule involves gamblers' chances. It is a limited appeal to the lot. It implies merely duration of service on the committee—not in the least does it guarantee superior ability or fitness for leadership.

One thing, however, that must be said for the seniority system is that it is wholly nondiscriminatory. Under it, the sick get the same consideration for committee chairmanships as the healthy, the dull the same opportunity as the intelligent, and the wicked the same advantage as the noble. The late Senator Estes

Kefauver offered a dramatic illustration some years ago when he wrote:

On the Senate side, few, if any members had a record of more distinguished public service than the late Senator Carter Glass of Virginia. It is nevertheless true that he retained his important post as chairman of the Senate Appropriations Committee although physically unable even to attend a session of the Senate, or of his committee, for more than three years. (Estes Kefauver and Jack Levin, *A Twentieth-Century Congress*, P. 135.)

My point is not that able men do not rise to committee chairmanships through the seniority system. They do. Some of the ablest committee chairmen in the history of the Republic serve in this body today. But under the seniority system, their qualifications are secondary to their seniority.

Specifically, the seniority system has a host of crippling flaws:

First. It is undemocratic.

Second. It has no relation to competency.

Third. Seniority can—and has—produced chairmen who are unrepresentative of the times.

Fourth. It rewards those States with one-party systems and, conversely, penalizes States in which two dynamic and equally matched political parties fight it out at the ballot box.

#### UNDEMOCRATIC

In a Nation dedicated to democratic ideals, it is an anomaly for the Senate to elevate men to key positions of leadership without regard to any qualification except length of service. Even the law of the jungle operates on the principle of survival of the fittest. Congress operates only on the principal of survival, period.

The seniority system denies competent men a chance to exercise their leadership talents at the time of life when they are most able to meet the rigors of the job. The present selection system is tragically wasteful and inefficient in this regard.

#### NO RELATION TO COMPETENCY

The seniority rule defies commonsense. It rewards neither ability nor party loyalty but only longevity. There is no relationship between the ability to be elected over and over again and the qualifications and ability needed to head a Senate committee.

I agree with Arthur Krock, who wrote in the *New York Times* of May 6, 1943:

A new member, or even one who has served two or three terms, may be ideally constituted for an important chairmanship. But by the workings of the seniority system he will find himself near the bottom of the list, subject to the committee power of a man of far less competence.

It is illogical to assume that the man longest in service on a committee is therefore automatically the most qualified to be chairman. In many cases, the committee member with the longest service on a committee is the most qualified to be chairman. But it is illogical to say that a Senator should be a committee chairman just because of his seniority. Long service does not necessarily produce expertise. Natural ability, devoted interest, and detailed study do.

Despite the alleged harmony which seniority is said to achieve, it can—and has—been carried to absurd lengths. For instance, once a Senator leaves the Senate, by defeat or choice, he loses all of his accumulated seniority, and if again elected, he must start out at the bottom.

Three spectacular examples of canceling seniority serve to dramatize this point. One was the case of Senator John Sherman of Ohio, who entered the Senate in 1861 and in time became chairman of the Finance Committee. In 1877, Sherman resigned his seat to become Secretary of the Treasury in the Cabinet of President Hayes. But when Sherman returned to the Senate in 1881, he was placed last on the Finance Committee.

Another example of the same situation was the case of Senator Alben Barkley of Kentucky. First elected to the Senate in 1926, Barkley became a member of the Finance Committee and ultimately served as one of its senior members. Then, after serving 4 years as Vice President of the United States under President Truman, he returned to the Senate and was reappointed to the Finance Committee in 1955, where he was last in rank.

More recently, the same is true of our colleague, the junior Senator from Arizona (Mr. GOLDWATER). Senator GOLDWATER, who was first elected to the Senate in 1952, was the second ranking minority member of the Armed Services Committee when he retired to run for the Presidency in 1964. Today, the distinguished Senator from Arizona is second from the bottom.

#### CHAIRMAN UNREPRESENTATIVE OF THE TIMES

At a time when other American institutions are turning over the reins of leadership to younger men, the chairmen of Senate committees are more deeply entrenched than ever before.

One hundred years ago, the average age of a Senator was 50.6; today the average age is 56.6. Not really so great a difference. But 100 years ago the average age of a committee chairman was 53.7 and today it is 65.4.

One hundred years ago, a committee chairman had served an average of 6.8 years in the Senate. Today the average Senate committee chairman has served 20.9 years.

Mr. President, I ask unanimous consent that there be inserted at this point in the RECORD a table which compares the age distribution of Senate committee chairmen in 1870 and 1970.

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

#### AGE DISTRIBUTION OF SENATE COMMITTEE CHAIRMEN

Age range	Number	Percent
1870		
40 to 49	9	34.6
50 to 59	13	50.0
60 to 69	3	11.5
70 to 79	1	3.9
1970		
40 to 49	1	6.225
50 to 59	3	18.75
60 to 69	6	37.50
70 to 79	6	37.50

Source: Congressional Directory 1870; Congressional Directory 1970; and Biographical Directory of the American Congress.

Mr. PACKWOOD. Mr. President, this table shows that while 84.6 percent—or 22—of the Senate's committee chairmen were between 40 and 60 years old in 1870, only 25 percent—or four—were between 40 and 60 in 1970. Instead, in 1970, 75 percent—or 12—committee chairmen were between 60 and 80 years old; while in 1870 only 15.5 percent—or four—committee chairmen were between 60 and 80 years old.

As I indicated, the average age of Senate committee leaders is 65.4. In private business the usual age for retirement is 65. If the retirement rules of private business were followed by the Senate, all but four of the 16 Senate committee chairmen would be forced to retire.

Congress has itself passed rules requiring civil servants to step down at age 70. But if the Senate followed the rules it laid down for others, six committee chairmen would have to retire. Only Congress has institutionalized age and length of service.

Mr. President, let us look at the executive branch for a moment. In the executive branch, the average age of Cabinet members on taking office under President Nixon was 55.7 years. Mr. President, I ask unanimous consent that there be inserted at this point in the RECORD an analysis of the ages of the members of President Nixon's Cabinet.

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

#### CABINET AGES

HUD, Romney, July 8, 1907, 63.  
Commerce, Stans, March 22, 1908, 62.  
HEW, Richardson, July 20, 1920, 50.  
Labor, Hodgson, December 3, 1915, 54.  
Agriculture, Hardin, October 9, 1915, 54.  
State, Rogers, June 23, 1913, 57.  
Treasury, Kennedy, July 21, 1905, 65.  
Defense, Laird, September 1, 1922, 47.  
Justice, Mitchell, September 5, 1913, 56.  
Post Office, Blount, February 1, 1921, 49.  
Interior, Hickel, August 18, 1919, 50.  
Transportation, Volpe, December 8, 1908, 61.

Average Age: 55.7 years.

(SOURCE.—Congressional Directory 1970.)

Mr. PACKWOOD. Under President Johnson, it was 50. And under President Kennedy it was 48. While in the Senate, the average age of committee chairmen is 65.4.

#### SENIORITY REWARDS ONE-PARTY STATES

The Senate's seniority system allows some States which regularly reelect Senators to be overrepresented as far as actual power and influence in national affairs are concerned. On the other hand, States which are more sensitive to political change and switch from one party to the other may not elect members to a sufficient number of consecutive terms for them to receive chairmanships.

Implicit in this analysis is the fact that those States where the two parties are more closely matched politically—as New York, Illinois, California, Pennsylvania—have not held major Senate committee chairmanships for a considerable number of years, despite their vast populations and their importance to the Nation's economy. I can think of no

more compelling reason for modifying the seniority rule than the manner in which seniority must inevitably discriminate against great two-party States such as these.

Mr. President, admittedly, my knowledge of the seniority system was slight when I first came to this Congress. My only previous legislative experience had been that of serving in the Oregon Legislature. In the Oregon Legislature, committee chairmen are picked by the majority leader on the basis of merit and ability rather than seniority. This system worked well in Oregon. I was resolved, however, to say nothing about the seniority system until I had had a chance to both study it and serve under it. Unfortunately, studying it was easier said than done because there has always been more heat than light spread upon this problem in the past.

Mr. President, I shall limit my comments to the Senate, although I feel the pros and cons of the seniority system would apply equally to either House. Now, Mr. President, regardless of the merits or demerits of the seniority system, one thing is obvious: The seniority system favors those who are elected to Congress at a young age and continue to be reelected. The chairmen of the standing committees in the Senate today served an average of over two terms before obtaining their chairmanship. That is an average, and many able men had to wait much longer to achieve chairmanships.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a table showing the length of service of the present standing committee chairmen of the Senate at the time they achieved their chairmanships.

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

Committee chairman	Age when became chairman	Year began service	Year he assumed the chair	Average year served before attaining chairmanship
Anderson.....	66	1949	1961	12
Ellender.....	61	1937	1951	14
Russell.....	54	1933	1951	18
Stennis.....	68	1947	1969	22
Sparkman.....	68	1946	1967	21
Magnuson.....	50	1944	1955	11
Tydings.....	41	1965	1969	4
Long.....	48	1948	1966	18
Fulbright.....	50	1945	1955	10
McClellan.....	53	1943	1949	6
Jackson.....	51	1953	1963	10
Eastland.....	52	1943	1956	13
Yarborough.....	66	1957	1969	12
McGee.....	54	1958	1969	10
Randolph.....	64	1958	1966	8
Jordan.....	67	1958	1963	5

Average years served before attaining chairmanship: 12.125.

Source: Congressional Quarterly.

Mr. PACKWOOD. Therefore, Mr. President, those who are elected to the Senate at the age of 50 or over are playing hide-and-seek with the standard insurance mortality tables as to whether or not they will ever chair a significant committee in this body. On the other hand, those elected at age 50 or under may have

the good fortune to chair a committee. Certainly those elected in their 30's or early 40's can, by virtue of the simple fact that they were first elected to the Senate at a young age, propel themselves to power by the sole expedient of being reelected. Having been elected myself to the Senate at the age of 36, I will, if the voters of Oregon reelect me, by virtue of seniority alone, find myself eventually elevated to a committee chairmanship at a younger age than that at which many of my distinguished colleagues are elected for the first time.

The obligation of a U.S. Senator, however, runs deeper than personal advantage. As U.S. Senators, our obligations run to all of the people of this country. It is incumbent upon us to attempt to govern, with their consent, in the most expedient and intelligent way possible. Thus, with some misgivings about even questioning this system that would favor me, I started to look into the background and antecedents of the seniority system.

The first place to look, of course, was at Congress in its days of infancy. How did the Founding Fathers of this country view the seniority system? After all, the early leaders of the Congress of this country were the very people who had carried us through a revolution with Britain and fashioned the American Constitution, which Gladstone called "the most wonderful work ever struck off at a given time by the brain and purpose of man." These were indeed the giants of our history. If they could fashion a U.S. Constitution that has governed us well for so many years, would there be anything we could learn from their method of organizing the Senate of the United States?

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a breakdown I have prepared showing the method by which Senate committees and their chairmen were selected from 1789 to 1846.

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

#### SELECTION OF SENATE COMMITTEES

(NOTE.—The term Presiding Officer refers to either the Vice President or the President Pro Tempore depending on the practice of the Senate at the time as to who presided at the time committees were appointed.)

1789-1823: Elected by ballot.

1823-1826: Appointed by the Presiding Officer.

1826-1828: Elected by ballot.

1828-1833: Appointed by President Pro Tempore (President Pro Tempore specifically designated so as to insure that the Vice President—as Presiding Officer—would not appoint committees).

1833-1837: Elected by ballot.

1837-1841: Appointed by Presiding Officer.

1841-1845: Appointed by the President Pro Tempore as Presiding Officer. (Because of death of President William Henry Harrison, Vice President John Tyler succeeded to the Presidency, leaving the Vice Presidency vacant from 1841-1845).

1845: Appointed by Vice President as Presiding Officer in March; elected by ballot of the Senate in December.

1846: Caucus (Beginning of the Senate seniority system).

## SELECTION OF SENATE COMMITTEE CHAIRMEN

1789-1823.—The Senator having the greatest number of votes is first named and, as such, is Chairman.

1823-1826: Presiding Officer names Chairmen.

1826-1828: Elected by separate ballot of the Senate (Ezekiel Chambers Rule).

1828-1833: President Pro Tempore appointed Chairman. (President Pro Tempore specifically designated so as to insure that the Vice President—as Presiding Officer—would not appoint committee chairmen.)

1833-1837: Elected by separate ballot of the Senate as in 1826.

1837-1841: Appointed by the Presiding Officer.

1841-1845: Appointed by the President Pro Tempore, as Presiding Officer (Because of the death of President William Henry Harrison, Vice President John Tyler succeeded to the Presidency, leaving the Vice Presidency vacant from 1841 to 1845.)

1845: Appointed by Vice President or Presiding Officer in March; elected in December.

1846: Selected by caucus (Beginning of the seniority system).

Mr. PACKWOOD. Before even considering, however, how committee members or committee chairmen were selected, the first thing we learn is that from the time of the first Congress in 1789 until 1816 there were no standing legislative committees at all in the Senate. Pending legislation was scrutinized instead by select committees named as the occasion for such service arose. These select committees were abolished after finishing work on the problem or legislation submitted to them.

One of the first 19 rules adopted by the Senate in 1789 provided:

All committees shall be appointed by ballot, and a plurality of votes should make a choice.

However, during this entire period of select committees, the rules made no specific provision for committee chairmen.

In his monumental study of the Senate, the distinguished historian George Haynes noted that in the tentative draft apparently prepared by Senator William Macay of Pennsylvania for the consideration of the committee which framed the Senate's first code of rules, adopted in April 1789, it was stipulated that each committee's chairman "shall be the Senator from the most northerly State of those from which the committee is taken." Fortunately, this outlandish proposal never found its way into the rules.

My study of the early Senate Journals has revealed that while no specific method for selecting committee chairmen was mentioned in the rules, it was the practice when the committees were elected to designate as chairman the man receiving the most votes. This is confirmed by John Quincy Adams, who served in the Senate from 1803 to 1808 and was later Secretary of State and President, when he said of the practice of the Senate while he served in it:

The member having the greatest number of votes is first named, and as such is chairman. (Memoirs 1, page 482).

For example, on November 3, 1803, a committee was appointed to study an ap-

propriations bill to effect the Treaty of Amity and Commerce between the United States and England. John Quincy Adams, whose Senate service began in 1803, was chairman. The two other members of the committee were Uriah Tracy of Connecticut, who had been a Senator since 1796, and Abraham Baldwin, who had served since 1799. By the standard of seniority, John Quincy Adams would not have been chairman.

On December 4, 1805, a committee was formed to study additional naval appropriations for 1805. The chairman, Senator Samuel L. Mitchell of New York, had served in the Senate since November 8, 1804, while the two other members of the committee—Senator Stephen R. Bradley of Vermont and Senator Thomas Sumter of South Carolina—both came to the Senate in 1801.

Mr. President, even after the Senate changed from its system of select committees to standing committees, the early Senate Journals reveal that seniority was not a factor in the selection of committee chairmen.

For example, Mr. President, in 1823, when chairmen were appointed by the President pro tempore—as the Presiding Officer—a freshman Senator was named chairman of the powerful Military Affairs Committee. This freshman Senator had less seniority than every other member of the committee, but his unique background and ability were considered more important. His name was Andrew Jackson.

In 1834, when committee chairmen were elected by ballot of the Senate, Henry Clay became chairman of the prestigious Committee on Foreign Relations, though he was only the third-rank member of the committee.

In 1837, when the committees were appointed by the Vice President as Presiding Officer, an outstanding young Senator from Pennsylvania, James Buchanan, later to be President of the United States, was named chairman of the Committee on Foreign Relations. He was outranked by three of the other four members of the committee: Senator William King of Alabama, a Senator since 1819; Senator Henry Clay of Kentucky, who came to the Senate in 1831, and Senator Nathaniel Tallmadge of New York, who was elected in 1833.

Mr. President, in 1841, when the committee chairmen were appointed by the President pro tempore—as Presiding Officer—out of the 16 standing committee chairmen, seven were freshmen Senators, four had been in the Senate only 1 year, and two had been Senators for only 2 years. Only two committee chairmen had served more than 4 years.

Mr. President, as I have previously indicated, the Senate abandoned the system of select committees in 1816 and went instead to a system of standing committees. However, the Senate continued to elect its committee chairmen and members until December 9, 1823. On that day Senator John Eaton of Tennessee proposed that the chairmen of the five most important committees be chosen by ballot and that these five men

be given the power to fill up their own committees and to select the members of all remaining committees. However, the Senate rejected Eaton's proposal and adopted instead an amendment to the rules that all committees "shall be appointed by the Presiding Officer"—who was always either the Vice President or the President pro tempore—"of this House unless otherwise ordered by the Senate."

Initially, the phrase "Presiding Officer" presented no difficulty as Vice President Daniel Tompkins is said to have entered the Senate Chamber hardly once during the last 3 years of his term—and committee appointments therefore devolved upon the President pro tempore, John Gaillard.

The next Vice President, though, was John Calhoun. Contrary to precedent, Calhoun took the chair on the opening day of the 19th Congress and—as Presiding Officer—appointed the committee chairmen and members with such blatant bias that 4 months later, on April 14, 1826, the Senate, with hardly a dissenting vote, took the appointment of committee chairmen and members away from the Presiding Officer, be he the Vice President or the President pro tempore, and restored choice by Senate ballot as it had existed from 1789 to 1823.

In 1826 the Senate again slightly changed its procedure. On December 8 of that year, on the motion of Senator Ezekiel Chambers of Maryland, the Senate divided the election of chairmen from the election of members. It was provided that the chairman of each committee would be selected on a separate ballot by majority vote and the other members of the committee would be selected on another ballot by plurality vote.

On December 24, 1828, the rule regarding the appointment of committees was changed again, this time to provide for the appointment of committee chairman and members by the President pro tempore. It was further provided, if there should be no President pro tempore, that appointment should be made by ballot, in accordance with the rule of 1826.

The 1830's were marked by the birth of two dynamic political parties. Early in the decade a cleavage developed in the Senate based on these two parties. While there had been factions and loose coalitions in the Senate prior to this time, this period ushered in the two-party system as we know it today. And, though the cleavage was not completed until the end of Andrew Jackson's administration in 1837, it was unmistakable by 1833, and in that year an unforeseen contingency arose.

Under the rule, as it had stood for the previous 5 years, the committees would be appointed by Senator Hugh White of Tennessee, elected President pro tempore at the previous session. But, the November election had placed his party in the minority in the Senate. Hence, the 1826 rule by which committee chairmen and members were selected by separate ballot was restored, and so remained until 1837.

Between 1833 and 1837, however, a difficulty that frequently arose from the

election of members by plurality balloting was that the Senator heading the list might be of the party opposed to that of the chairman who had just been elected by majority vote on a separate ballot. To remedy this situation, after all committee chairmen and members had been elected by ballot in compliance with the rules, it was frequently voted that the committee members be "arranged" in accordance with a schedule presented by the mover, the object being to secure succession to the chairmanship of the committee on the basis of party in case of the chairman's absence or withdrawal.

By 1837 frequent and continual balloting was becoming a nuisance and an inconvenience. Thus, in that year, after four chairmen had been elected, Henry Clay moved, and it was agreed to by unanimous consent, that the other appointments be made by the Presiding Officer. This gave the task to Vice President Richard M. Johnson. At the beginning of the regular session 3 months later the power to appoint committee chairmen and members was again placed in his hands. It thereafter became customary, by unanimous consent, to suspend the rule requiring the ballot and to authorize the appointment of the committees by the Presiding Officer. Therefore Vice President Johnson continued this task until 1841.

In 1841, William Henry Harrison, who had been elected President in 1840, died and John Tyler became President. Therefore, there was no Vice President from 1841 to 1845 and committee appointments were made by the President pro tempore.

At a brief 16-day session of the Senate in March 1845, the newly inaugurated Vice President, George M. Dallas, as Presiding Officer, named the committees, but when that Congress convened for its first regular session the following December, Senator Thomas Hart Benton with three other Democrats joined the Whigs in defeating by a single vote a motion that the committee appointment be made by the Vice President, and the Senate proceeded to ballot for the entire list of names, which later had to be "arranged." At the next session, the same issue was raised, and again the Senate defeated a motion to authorize the appointment of committees by the Vice President.

It was not until the first 10 days of the second session of the 29th Congress, December 7 to 17, 1846, that the seniority system in the U.S. Senate was born. After defeating a motion to entrust the appointment of committees to the Vice President, the Senate began balloting for chairmen—in accordance with the rule of 1826. After the chairmen of six committees had been elected, there developed a long debate over the method of choosing the other chairmen and all committee members.

The Democratic floor leader then presented motions which arranged by seniority the names of committee members and safeguarded the majority's succession to chairmanships which might become vacant. After several committees had been filled by this method, the Sen-

ate proceeded to elect upon one ballot a list of candidates to fill the vacancies on all of the remaining committees. This list gave to each committee thus filled its chairman and the majority of its members from the same party which held a majority in the Senate.

Mr. President, the Senate in 1846 did not "back into" the seniority system for any of the high-sounding reasons advanced by its defenders today for its retention.

Instead, the Senate turned to the seniority system over a century and a quarter ago in desperation. The Senate was tired of balloting for weeks to choose chairmen and fill the committees. It distrusted the Vice President. It wanted to assure that members of the majority party would be in line for succession to the chairmanship in case of the chairman's absence or withdrawal.

The seniority system enabled the parties to rapidly organize the Senate and assured succession to the chairmanship on the basis of party loyalty.

From that day to this, the appointment of Senate committees—in most cases—has been a perfunctory affair. By unanimous consent the rules requiring election of the chairmen on one ballot and the committee members on another ballot have been suspended and the election has taken place by acceptance of a resolution for the adoption of a list of committee assignments which has been drawn up by the Republican and Democratic caucuses. The general rule is that the Senator of the majority party with the longest continuous service on each committee is named chairman.

It will thus be seen that from 1789 to 1846 committee chairmen were selected in a variety of ways. Sometimes they were elected by ballot. At other times they were picked by the presiding officer, be he the Vice President or the President pro tempore. Regardless of whether the chairman was elected or appointed, however, there was always one striking consistency: The committee chairmen were not picked on the basis of seniority. In addition, the committee members themselves, no matter whether they were elected by their fellow members or selected or appointed in some other method, were selected on some basis other than seniority. It is obvious, then, that our forefathers eschewed the seniority system and instead preferred electing or appointing their committee chairmen and committee members on a basis other than that of seniority.

Mr. President, it is said in defense of the seniority system that it avoids intra-party fighting, that the Senate does not waste its time in petty party bickering over who should be chairman, and that it automatically promotes a man of experience and expertise. If this is true, why not apply the same criteria to the election of our majority and minority leaders and majority and minority whips? If they were selected on the basis of seniority, then we could avoid the petty internal party fighting, we could select men of experience, and so forth.

Yet we reject the seniority system in the selection of our own party and floor

leaders. Why, then, must we use it in the selection of our committee chairmen? Why should we not measure prospective committee chairmen by the same yardstick we measure prospective party leaders?

Again, it is instructive to learn from our country's founders. Not only did they reject the seniority system as a method of picking committee chairmen and committee members; they also rejected it as a method of picking their party leaders and presiding officers. No better example of this can be found than Henry Clay.

Clay was elected to the U.S. Senate on January 4, 1810, to fill the vacancy caused by the resignation of Senator Buckner Thruston. He found the Senate, however, to be a moribund and dull place and in the election of 1810 he ran for the U.S. House of Representatives and was elected. In 1811, Henry Clay was elected Speaker of the House of Representatives on his first day as a Representative.

By the standard of seniority the 34-year-old Clay would have gone unnoticed for decades, but because of his towering prestige and limitless ability his colleagues chose him immediately upon election as their leader in the House of Representatives.

One of Clay's biographers later wrote:

So unexpected was this upset of precedent that the new speaker was at first confused with Matthew Clay (his distant relative), the veteran Virginia Representative. But the country was soon informed that the man selected was young Mr. Clay of Kentucky, formerly of the Senate; a new man but capable and accustomed to legislation; a proper man at this crisis to conduct public business with dignity and dispatch. (Henry Clay by Bernard Mayo, P. 403).

Clay became Speaker because, though he was short on seniority, he was long on ability. And, far from being a failure—because of his youth and lack of seniority—history records that—

Henry Clay . . . became one of the best and most powerful speakers that the House of Representatives has ever had. When he assumed the office in 1811 the Speaker was little more than a presiding officer. But Clay made the position one of party leadership and by his precedents immeasurably strengthened the office. Six times he was elected speaker and never was his election seriously contested.

He was the boldest and most decisive, perhaps, of the long line of Speakers of the House of Representatives. (Henry Clay and the Art of American Politics by Clement Eaton, pp. 22-23.)

Although Henry Clay was elected as Speaker of the House, all evidence indicates that in the election of Senate leadership, seniority has never been a factor in the selection of Senate leaders. Reviewing just the last half century, it will be noted that there has not been a single majority or minority leader or majority or minority whip who was the ranking member of his party at the time of his election, with the exception of Styles Bridges, who was elected as minority leader in 1952. This is stark and clear evidence that in the selection of party leaders we in the Senate pay no

attention to seniority but instead pick our leaders on the basis of ability. Why do we adhere to the wisdom of our forefathers in rejecting the criteria of seniority in picking our party and floor leaders, and yet persist in selecting committee chairmen on the basis of seniority, a method which our forefathers so assiduously avoided?

As I have previously detailed, Mr. President, the birth of the seniority system in 1846 in the Senate, was a matter of convenience because of the exigencies of the time. It obviously was not intended by the proponents in 1846 as the be-all and the end-all of congressional organization. One would think that there must be some stronger force binding the supporters of seniority than historical accident. It might, therefore, be wise to examine the governing parliamentary bodies of other countries of the world.

We should look first at Great Britain. After all, our legal and political traditions are much fashioned from that country. Let us examine how Great Britain and her fellow Commonwealth countries select their committee chairmen.

The parliamentary organization and practice of the 17 countries that compose the British Commonwealth are modeled on that of the Mother of Parliaments: the English House of Commons. Committee chairmen in the British House of Commons are appointed by the Speaker, they are not selected on the basis of seniority, and this is true in all countries of the British Commonwealth.

Mr. President, I ask unanimous consent that a study on the selection of committee chairmen in Great Britain and the countries of the British Commonwealth be printed at this point in the RECORD.

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

#### APPOINTMENT OF COMMITTEE CHAIRMEN IN THE PARLIAMENTS OF THE BRITISH COMMONWEALTH

(Prepared by the Legislative Reference Service (Library of Congress), March 3, 1959)

The parliamentary organization and practice of the seventeen countries that compose the British Commonwealth are modeled on that of the Mother of Parliaments: the English House of Commons.

The practice of the House of Commons at Westminster as regards the appointment of the chairmen of standing committees is described as follows by Sir Thomas Erskine May in the fifteenth edition (1950) of his famous *Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, at page 628:

*Chairmen of standing committees.*—The chairman of each standing committee is appointed by the Speaker from a panel consisting of not less than ten Members nominated by him at the commencement (d) of every session to act as temporary chairmen of Committees of the whole House when requested by the Chairman of Ways and Means (see p. 240), together with the Chairman of Ways and Means and the Deputy Chairman (S.O.s No. 62(1) and 96(4)). The Speaker is given power to change the chairman so appointed from time to time (S.O. No. 62(2)). Any member of a standing committee may act as temporary chairman, at the request of the chairman of the committee, for not more than a quarter of an hour, but without the powers granted by S.O. No. 57(5) (S.O. No. 62 (4)).

"The Chairmen's Panel, of whom three are a quorum, settle points of procedure which are not covered by the rules of the House, and are empowered to report to the House from time to time any resolutions they may come to on matters of procedure relating to standing committees (S.O. No. 62(3)). Such resolutions relating to standing committee procedure have been reported each session, e.g. C.J. (1937-38) 19; *ibid.* (1938-39) 25; *ibid.* (1947-48) 51; *ibid.* (1948-49) 24."

Mr. PACKWOOD. Having realized then that there is nothing in our Anglo-Saxon traditions attesting to traditional usage of the seniority system it might be worthwhile to look at other free countries in the world.

A report of the Interparliamentary Union on Parliamentary Committees, based on replies to a questionnaire received from members of the union, indicates that the general practice in the 57 parliaments that are members of the Interparliamentary Union is for the chairmen of their committees to be elected by the committee members themselves.

Mr. President, I ask unanimous consent that a Library of Congress study on the selection of committee chairmen in foreign parliaments be printed in the RECORD.

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

#### SELECTION OF COMMITTEE CHAIRMEN IN FOREIGN PARLIAMENTS

(Prepared by the Legislative Reference Service (Library of Congress), March 3, 1959)

A report of the Interparliamentary Union on *Parliamentary Committees*, based on replies to a questionnaire received from members of the Union, indicates that the general practice in the 57 Parliaments that are members of the IPU is for the chairmen of their committees to be elected by the committees themselves. The following quotations from the report describes the departures from this general rule.<sup>1</sup>

Chairmen of Committees are elected by the Committee themselves. They take part in the deliberations of the Committee.

The following are departures from this general rule:—

##### In the House of Commons:

(a) the Chairman of Committees of the whole House, the Standing Orders Committee (1) and Unopposed Bill Committees, is the Chairman of Ways and Means (Deputy Speaker) of the House: these are the only Committees of which he is a Member.

(b) Chairmen of Standing Committees are appointed from a list by the Speaker.

(c) Chairmen of Committees on opposed private bills are appointed by the Committee of Selection.

In the *Netherlands Chamber*, the Chairman of the Committee on Foreign Affairs and the Credentials Committee is the President of the Chamber.

Chairmen of Committees in the *Bundestag* are allotted proportionally among the parties. The number of Chairmen of Committees allotted to a parliamentary party corresponds to the number of Members of the different parliamentary parties (Hondt's system). Chairmen of different Committees are nominated by parliamentary parties on the basis of agreement between the parties. The Chairman is then formally elected in Committee. Up to the present, the Chairmen proposed

by the parliamentary parties have always been elected. They do not take part in the deliberation of the Committee.

In the *Federal Swiss Assembly* the Bureau nominates the Chairmen of Committees, but the Committee on Finance nominates its own Chairman; he takes part in the deliberations of the Committee and has a casting vote.

In the *Belgian House of Representatives* permanent Committees are chaired by the President of the House, or by one of the Vice-Presidents of the House designated by him. They take no part in the deliberations of the Committee. Special Committees appoint their own Chairmen. They take part in the deliberations.

In other parliaments modelled on the British system, a distinction must be drawn between the Committee of the whole House and Committees with a permanent character set up to consider bills. In the first, the chairmanship is held, generally speaking, by the Speaker or Deputy Speaker of the House: in the second, the Chairman is appointed by election in the Committee itself.

However, in *Ireland*, the Assembly itself may appoint a member of the Committee as Chairman. This is also the practice in the *Congress of the United States* (where the oldest member is often elected). The President of the Assembly normally appoints the Chairmen of temporary Committees.

In the *Australian Senate* the Speaker of the House presides over three of the six Committees which deal with domestic matters. Besides belonging to these Committees he may be a Member of other Committees of which he then acts as Chairman.

An analogous position exists in the *Lok Sabha* where the Chairmen of Committees are appointed by the President of the Assembly. If the Vice-President is a Member of a Committee, he invariably becomes Chairman.

In the *Constituent Assembly of Pakistan*, the Assembly designates the chairmen of Committees. However, the Minister of Finances is *ex officio* chairman of the Committee on Public Accounts.

The chairmen of Committees of the *Japanese Diet* are appointed by the President of the Assembly. They are chosen from the members of Committees. The chairmen of special Committees are elected by the Committees themselves.

Mr. PACKWOOD. As a matter of fact, Mr. President, I have been unable to find a single free world parliament that operates under the seniority system. For that matter, no Communist government or other dictatorship operates under the seniority system.

Let us turn next to the various State legislatures in the United States. The Legislative Reference Service of the Library of Congress reports that there is no State legislature where seniority is the controlling criteria in the selection of committee chairmen. Other factors are more important than seniority. Mr. President, I ask unanimous consent that a memorandum from the Legislative Reference Service of the Library of Congress on seniority in State legislatures be printed in the RECORD.

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

To: Senator BOB PACKWOOD.

From: Government and General Research Division; Norman Beckman, Division Chief.

Research by: Walter Oleszek.

Subject: Seniority in state legislatures.

In accordance with your request, we enclose excerpts from two studies—one by Pro-

<sup>1</sup> Interparliamentary Union. Quarterly Bulletin on Constitutional and Parliamentary Information, 3rd Series, No. 24, November 1, 1955, pp. 190-92.

fessor Jewell and the other by Professors Keefe and Ogul—that discuss the use of seniority in state legislatures.

In a telephone call to Mr. Albert Abrams, Secretary to the New York State Senator and a long-time observer of state legislatures, further information about seniority and its use in state legislatures was obtained. The pertinent remarks of Mr. Abrams follow:

(1) There is, no state, to Mr. Abrams' knowledge, where seniority alone is the controlling criterion in the determination of committee chairmen. Other factors are as important as seniority, or *experience* as Mr. Abrams preferred to call continuity of service in a legislature, such as geography and membership in the faction controlled by the party leader.

(2) Two methods of selecting committee chairmen are used in the states: (1) appointment by the party leader (and in those states where the Governor exerts a voice in selecting the party leader, he too may influence the selection of committee chairmen) or (2) selection by an appointments committee, a creature, generally, of the party leader.

(3) Seniority is not as important in state as opposed to the National legislature for two reasons: (1) turnover is very high in state legislatures (one-third to two-thirds turnover every session) and (2) the recent reapportionment efforts have brought new and younger men into the legislative process while older men, from predominantly rural areas, have been defeated or districated out of their seat.

(4) Of course, states operate differently even within either of the two selection processes. For example, the Massachusetts State Legislature traditionally appoints a minority member in each chamber to chair the Tax Committee, thereby giving what could be a politically unpopular task—raising taxes—to the minority party. As a result, the minority party bears part of the onus for raising taxes even with a chamber controlled by the opposite party.

Mr. Abrams indicated that he would be happy to speak with any congressman about the use of seniority in state legislatures. He can be reached at the following telephone number in Albany, New York—472-8800 (518).

We trust that this information proves helpful. If further assistance is required, please do not hesitate to call us.

Mr. PACKWOOD. Mr. President, in my research I have been unable to find even a city council in the United States that operates under the seniority system.

Mr. President, the news media of this Nation appear to be united in their opposition to the seniority system. I ask unanimous consent that various editorials from newspapers throughout the United States opposing the seniority system be printed in the RECORD.

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

[From the Eugene (Oreg.) Register-Guard, July 6, 1970]

#### MAKE WAY FOR "YOUTH"?

As Congress reconvenes after its Fourth of July holiday there'll be a looming possibility of revolution in the House of Representatives.

Younger members of the House—those under 50, that is—are considering banding together to overthrow the committee seniority system, particularly as it applies to House committee chairmanships.

There's nothing new about dissatisfaction with the hoary rule that House committees are governed by members who belong to the majority party and have the longest, not necessarily the best, records of congressional

service. Heretofore, however, the rule has been attacked only by hot-heads or those willing to pay the price of being passed over for future assignment to important committees.

Now earnest "young" members of both parties are girding themselves to advocate automatic transfer of chairmen's gavels whenever those wielding them reach the age of 70.

What effect would result if the younger generation had its way in the House? Nine committee chairmen—three in their 80s and six in their 70s—would be immediately replaced. And of all present chairmen, only three would have prospects of continuing longer than 10 years in their positions of special power.

[From the Portland (Oreg.) Oregonian, July 15, 1970]

#### HALF A LOAF

After years of stalling, the leadership of the U.S. Congress House of Representatives is apparently prepared to reform some of its antiquated rules and procedures in the public interest—not all, but some.

#### THE OREGONIAN

The reform bill that came to the House floor Tuesday out of the Rules Committee has some modest proposals for reform, but the real contest will be over a series of amendments proposed by a bipartisan coalition of young congressmen. The chief purpose of these is to reduce the imposition of secrecy in committees and on the floor, and thus to give constituents a better idea of how their congressman is really performing.

One provision would make possible a recorded vote on amendments to bills on the House floor. Since colonial times these have been voice votes only, restricting the recorded vote to the bill in its final form. Thus are hidden the positions of members on significant amendments.

Ironically, the vote on this amendment will be by voice, under the current rules. The importance of the change is reflected in a statement by one of the reform supporters: "If we could get a record vote, we'd win three to one."

If the package presented by the reform coalition wins any degree of approval, the window will be opened a bit to give the public a view of House business. But it apparently will not be opened all the way. Neither the committee's bill nor the reformers' amendments would alter the venerable seniority system, which puts the power of committee chairmanships in aged hands and assures them the tenure which encourages arrogance and arbitrariness.

#### NEEDLING THE OLD MEN

There is certain to be some embarrassment behind the closed doors when the House of Representatives Democratic caucus meets next week in Washington, D.C. Some of its members propose to bring up embarrassing resolutions.

One of these, sponsored by the Democratic Study Group of northern liberals, will ask that committee chairmen be bound to give more attention to the opinions and desires of rank-and-file members. The second will propose an expression of "no confidence" in Speaker John W. McCormack.

Majority support is not to be expected for either, for ordinary congressmen are at the mercy of the speaker and committee chairmen in moving legislation. But the obvious unrest in the Democratic ranks is significant and could lead eventually to some degree of reforms in the interests of the nation.

The villain of the piece is the seniority system, long strictly honored in both the House and the Senate. It provides, in effect, that survival at the ballot box is the only necessary qualification to win a chairmanship. Thus nearly all chairmen have their roots in decades past.

The system is more stultifying in the House than in the Senate because of the rigorous rules restricting individual floor action in the House. Of the 21 standing House committees, well over half are chaired by men from southern or border states, whose seniority has been supported by the one-party tradition of the South. The 21 chairmanships are distributed among only 13 states, most of them in the South or on the border and representing a constituency of a minority of Americans.

Any real reform in Congress must include some modification of the seniority system. But don't expect this next week or even next year. For the beneficiaries of the seniority system are in control, and they will not readily yield even the smallest part of the power the system gives them.

#### SOLON, HEAL THYSELF

Although it has been generally conceded that the U.S. House of Representatives' majority leader, Carl Albert, D-Okla., will succeed Speaker John W. McCormack, if the Democrats retain their majority in the House, the McCormack decision not to seek reelection offers an opportunity for congressional reformers.

There will be a contest for Rep. Albert's position as party leader, if he steps up next year. There are already five representatives seeking the leadership. They should be questioned on their views on some much needed reforms in House rules and procedures. It is an opportunity to inform the people of the autocratic manner in which the House now functions and what can be done to make it more responsive to the public will.

Most important is reform of the seniority system and the powers invested in House committee chairmen, whose survival at the polls is the only qualification necessary. The House should abridge the dictatorial powers of chairmen and should initiate a means of choosing chairmen other than by the calendar. It would also be to the great advantage of their constituents if House members should agree to require a roll call on all important issues rather than leave them to an unrecorded head count, as has come to be the practice. And there is no really good reason for the considerable increase in secret committee sessions. National security interests should be the only cause for excluding the public.

Not all, perhaps none, of these objectives will be attained soon, but it should help to that end to give them an airing.

#### MORE REFORM SHOULD FOLLOW

The significance of the anti-secrecy vote in the U.S. House of Representatives this week awaits further action on congressional reform.

It was encouraging that the amendment to end the secret teller vote, in which bodies are counted without recording names, passed overwhelmingly.

But a good deal of secrecy remains to be overcome—especially in committee meetings that are closed to the public, but should be open.

A bipartisan reform effort has been concentrated on the secrecy in which the Congress goes about the public's business.

Other procedures also ought to be reviewed, however, for the sake of a more modern legislature.

There should be a better method of selecting committee chairmen than seniority. And the Congress ought to be able to design improved fiscal machinery. Congressional willingness to vote for spending programs but not for the taxes to pay for them has been the primary cause of budget deficits that have fueled inflation.

Once the House is finished with the reform package, it must go to the Senate—which does not have the secret vote provision. Then

the two houses must work out their differences.

Therefore, as the legislative process goes to work on its own improvement, there are ample opportunities for the Congress to do a complete job. One anti-secrecy vote is not enough.

#### FORCE THEM OUT?

Mandatory retirement for congressmen has been proposed by Rep. David Martin, R-Neb.

He notes laws requiring civil service employees and military personnel to retire at certain ages, and thinks this would be good in Congress. So he has proposed a constitutional amendment barring a House member to serve past age 71 and a senator past age 74.

Martin's proposal has been referred to the House Judiciary Committee. This means it will get clobbered in a hurry by that committee's chairman, 81-year-old Rep. Emanuel Cellier, D-N.Y.

We think something should be done to encourage fresh blood in Congress. But we don't favor mandatory retirement. If a congressman doesn't know when it's time to retire, we're willing to rely upon the voters to do the job.

We do think something should be done to junk the seniority system for determining committee chairmanships, however. Congressional chairmen wield great influence over their committees and legislation assigned to them. They should be the congressmen of greatest ability. Instead, most tend to be up in years and from one-party states or districts where incumbents rarely get defeated. Of 21 House chairmen, for example, eight are over age 70 and three are over 80.

None of our state legislatures select committee chairmen purely on seniority. Neither do any of the other parliaments of the free world. And neither should the U.S. Congress.

Let's permit an elder congressman to serve just as long as the voters want him. But let's not guarantee him a committee chairmanship and all the power that represents.

[From the Miami (Fla.) Herald, Feb. 20, 1970]

#### THE SENIORITY ISSUE—AGAIN

Building a better mousetrap is the fondest dream of the reformer—whether of mice or men. It's current again in a movement among liberal congressmen to abolish the seniority system.

That system builds on political longevity to decide who heads the prestigious committees of the House and the Senate. As long as Congressman X gets reelected he has a claim on his chairmanship as a better one.

As the reader-voter knows, two things happen in consequence:

First, continued seniority is a heady argument for reelection, particularly in the House and especially if your lawgiver knows his way through the maze of defense contracts, military bases, rivers and harbors and other goodies.

Second, in the long run congressional committees grow old at the top. In a speech before the National Press Club a couple of months ago, former HEW Secretary John W. Gardner pointed out that "the Speaker of the House is 78. Thirteen Senate and House committee chairmen are over 70, six of them are over 75, two over 80."

Recalling that in 1958 Congress enacted a law requiring the chief judges of federal circuit and district courts to give up their administrative duties at 70, he said that "I propose that Congress impose the same rule on its own members."

This is one solution. Selection on merit rather than age is another. Lyndon Johnson was bossing the Senate, contrary to custom, a few years after he got there. Other hopefuls do not ascend until they reach Biblical

ages. And both houses have had septuagenarians—Everett Dirksen was one—who seemed to grow larger in the sunset of life.

Speaker John McCormack, frankly, has not—but he has won handily in this week's attempt for a no-confidence vote.

Some few honorables have elected to retire at 70. One is Sen. John Williams of Delaware. But they are the exceptions. In all probability Congress would have found an acceptable substitute for the seniority rule long ago if anywhere there is one. The alternative, like the burden of proof, is on the critics.

[From the Philadelphia Inquirer, Feb. 14, 1970]

#### ABOLISH SENIORITY SYSTEM IN CONGRESS

One of the most archaic aspects of congressional organization and operation is the seniority system. Senators and Representatives rise to the apex of power through committee chairmanships awarded not on demonstration of ability but on longevity of service on Capitol Hill.

The practical result is a roster of generally undistinguished chairmen of Senate and House committees who usually come from the states or districts where their political party is overwhelmingly dominant, and therefore, once in office, getting re-elected term after term is almost automatic. At the present time, with Democrats in the majority in both houses of Congress, the committee chairmen are mostly from one-party strongholds in the South where nomination on the Democratic ticket is virtually tantamount to election.

There is nothing partisan or sectional about the seniority system, however. When Republicans are in power, committee chairmanships go to members of Congress from states and districts, almost always outside the South, where the GOP is in dominant position.

Right now, the principal target of anti-seniority reformists is a Democrat but not a Southerner: House Speaker McCormack. He has been winning congressional elections in his South Boston district since 1928.

A number of House Democrats—many of them young and some not so young—are planning a move to unseat Congressman McCormack from the speakership and to throw out the seniority system with respect to committee chairmanships as well. The issue may come to a head at a party caucus next week.

In the interests of good government, members of both parties in both houses of Congress should take action to replace the seniority system with a plan that would award committee chairmanships and other positions of leadership solely on merit and qualification instead of congressional longevity.

While they are about it, members of Congress also should consider diminishing the arbitrary powers of committee chairmen so that they will not be able to block legislation single-handedly for personal or irrelevant reasons as is frequently the case under present rules.

#### THE DEATH-GRIP OF SENIORITY IN CONGRESS

"Few institutions in our national life," declares John W. Gardner, chairman of the Urban Coalition and former Secretary of Health, Education and Welfare, "are as gravely in need of renewal as the Congress of the United States."

Measures that he sees essential are the abolishment of the seniority system and the curbing of the entrenched power of committee chairmen. Under a custom—not a statute, not a regulation, but simply a custom—that has become almost sacrosanct for over a half-century, committee chairmanships in the Senate and House automatically go to the members who have managed to live the

longest and to get reelected the oftenest. Wisdom, capability, qualification do not count. As a result nine of the most powerful committees in the Senate and House are ruled by men past 70 years of age.

Some of these are able and their age has impaired neither their vigor nor their ability. The less said about the qualifications of the others, the better. They could serve their country best by stepping aside.

Perhaps the first who should move out of his favored position as the top-ranking elected official of the Democratic Party is Speaker of the House John W. McCormack, who is 78 and has served 41 years in Congress.

McCormack is suffering from the scandal caused by one of his staff employees, Martin Sweig, who thought nothing of picking up the telephone in his House office and announcing "This is the Speaker calling." Sweig has been charged with conspiracy based on misuse of the power and prestige of the Speaker's office, and his case has focused new attention on influence-peddling.

But aside from the Sweig scandal, and its rub-off on the Speaker, McCormack should agree that he has come to trail's end for another reason: leadership so inept that it cannot be called leadership at all.

It is not only the Democratic Congressmen who suffer from weak leadership; it is not only the Republican Administration that runs into endless frustration because of it. It is the country that suffers. Not only the aging Speaker should go, but with him the whole rigid seniority system that holds Congressional committees in a death-grip.

[From the Baltimore Sun, July 9, 1970]

#### SENIORITY

Representative Gilbert Gude has joined a few others in his party in the House of Representatives asking for an end to the seniority system. He is a Republican. The Democratic Study Group (over 100 members) has been fighting for the same thing for some time. Presently the senior member of a committee is automatically named chairman whenever his party is in the majority in the full House. Both parties follow this practice, under a strict seniority system.

If this were just a question of individual rewards and prestige, it wouldn't matter much. But the distribution of power in the Congress makes committee chairmen very influential. Their impact on American government and society is almost irresistible. Therefore, the best men in each field should be the leaders of committees. Often the most senior men are the best, but not always.

Gude recommends the simplest and best replacement for the seniority system. Members of committees would vote in secret for their chairmen and ranking minority members. What could possibly be wrong with that?

[From the St. Louis Post-Dispatch, Dec. 27, 1963]

#### REFORMING CONGRESS

The near-breakdown in congressional effectiveness this year has caused, in addition to much criticism, a search for causes and remedies. From one viewpoint, a basic difficulty is lack of adequate party discipline. The President may try to implement his party's campaign promises. But legislators, elected on the same platform, feel free to withhold their support, and even to enter into alliances with the opposition.

In the case of the Democrats, this situation is worsened by the seniority system. Under it, those Senators and Representatives least likely to be in full accord with the White House are most likely to hold the important congressional committee chairmanships which enable them to thwart the program

of the President and the majority of the party.

A review of the current Congress has moved Walter Lippmann and others to ask how long the United States can operate under these conditions. Changes in the rules—at least the adoption of a rule which would insure a vote on all presidential proposals—could break the blockade. But the beneficiaries of the system are able, on the whole, to block rules changes which would deprive them of their power.

Aside from the President, the chief victims are the Democratic liberals in Congress who form a substantial majority of their party's representation. Stung by yet another attempt to gain control in proportion to their numbers, they are organizing a campaign committee, under Representative Bolling of Missouri, which will seek to elect more of their kind in November. They also are preparing, if possible, to "purge" the party caucus of any member who works for a 1964 presidential ticket other than the one chosen by the national convention.

This is the "minimum program" of the Bolling group. Given the opportunity, it also will seek changes in the manner of making committee assignments. And other means of breaking the grip of the old-liners will be considered. A glance into the past does not raise high hopes for success. But with ingenuity and an increase in number, the reformers may be able to start the process of change.

The reformers—the approximately 100 members of the Democratic Study Group—probably will have little trouble in raising a \$50,000 campaign fund to be used in 50 closely contested districts. They also will make personal efforts on behalf of the candidates, hoping to add at least 20 seats to their strength.

Institutional changes—in fact, if not in theory—may be the most difficult. The stand-patters will not be eager to transfer authority over committee appointments from the 15 Democratic members of the Ways and Means Committee to the party caucus in which all House Democrats have a say. They also will defend the seniority tradition, even though it is only 50 years old. Undoubtedly it would help if voters were more keenly aware of how their desires may be frustrated by such tools of the minority.

There does not seem to be in the Congress as a whole a sufficient realization of how it has been failing to perform its function, how it has become a brake on Government instead of an instrument of Government. A deepening of the frustration thus engendered in the electorate—indeed, the urgencies of the contemporary world—could result in the concentration of sufficient power in the Executive to set aside the influence of the Legislature.

The irresponsibility of the French parliament brought in De Gaulle as a king without a crown. What's needed, however, is not speculation about this sort of revolution, but rather greater determination to accomplish reasonable reform.

[From the Detroit News, Aug. 13, 1966]

#### LET'S REFORM CONGRESS

As far as they go, most of the recommendations of the Joint Committee on the Organization of Congress will help Congress do its work more effectively.

New controls on lobbyists, more expense money for travel home, increased staffing, modernizing of its budget review—all these are changes which would tend to free Congressmen from too much reliance on the help of self-seeking outsiders and to professionalize their own legislative work.

If they are to write the laws which guide our increasingly complex society, congressmen must have more objective and expert help at their fingertips. Without it they

will continue to yield more and more authority to the executive branch.

The public would be the main beneficiary of recommendations to open more committee hearings to the press, to establish a committee on ethics in the House, to limit the number of powerful committee memberships one man can hold, and to shift from a three-day week to a full, five-day operation.

Because the power structure of Congress enjoys things pretty much as they are, the joint committee was not even allowed to look into such time-saving changes as electronic voting. (The leaders oppose this since it would make last minute pressure on congressmen harder to apply and prevent as much unrecorded voting as now occurs.) Nor was the committee able to evaluate the controversial seniority system or the mysterious ways in which bills are scheduled for floor action.

Nor does there appear to be any congressional interest in opening to public view the now secret "markup" sessions of the committees. It is in these often clandestine sessions that the laws are actually written and that the voting separates honest men from hypocrites.

Despite a national concern over the state of congressional ethics, the committee rejected a financial disclosure proposal which would do more than anything else to solve the problem of unethical behavior and conflict of interest.

Within its limited authority, however, the committee has offered Congress many roads to improvement. Hopefully, Congress will realize that if it expects to retain its public respect and its constitutional authority, it must act soon on these recommendations.

[From the Washington Post, May 22, 1970]

#### NEW ERA FOR THE HOUSE?

Belated though it is, Speaker McCormack's decision to retire at the end of his present term does him credit. He has chosen to end his long public career gracefully instead of risking a bruising fight at the age of nearly 79 both for his seat in Massachusetts and his leadership of the House. Two former Republican leaders in the House, Joseph W. Martin Jr. and Charles A. Halleck, could have testified to the bitterness of being pushed out after having lingered too long.

As he bows out after 42 years in the House and the longest service in the speakership, save only that of his predecessor, Sam Rayburn, Mr. McCormack is entitled to commendation for his devotion to duty and his fairness as a presiding officer. Trained in the politics of the old school, he manifested a good deal of skill in holding the diverse Democratic factions in the House together. He has the respect of his colleagues, his constituents and many of his countrymen.

Yet it must be acknowledged that, especially in recent years, he has loosened his hold upon the political realities. As Majority Leader in the days of the New Deal, he was passionately devoted to Franklin D. Roosevelt's programs. In the sixties and seventies, however, this son of a Boston bricklayer has been less alert to the political and social currents that have been swirling through Washington and the country. We surmise that his stature in history would have been enhanced if he had stepped down some years ago before the shabby misuse of the Speaker's office by Martin Sweeney and Nathan Voloshen spotlighted his laxity and some of his colleagues felt a powerful urge to displace him.

It appears to be pretty well settled that, if the Democrats again win control of the House in November, the speakership will go to Majority Leader Carl Albert, who has the

support of virtually all the other potential candidates. But this does not necessarily mean a projection of the McCormack-Albert policies in the new House. There seems to be a substantial demand for a younger and more energetic legislator in the majority leadership, and if this demand is satisfied the chief burden of pulling the majority in the House together may fall upon the No. 2 man.

Fortunately, there are a number of able and seasoned representatives in their middle years who would be equal to the task. But the scope of the job should not be minimized. The truth is that the House has coasted along in a routine and tradition-crusted fashion for so long that a major shakeup will be necessary to bring it abreast of the seventies. No one should suppose, for example, that the withdrawal of the aged Speaker will of itself break the deadening hold of the seniority system on the House. A persistent fight under able leadership and with the support of all the younger and more alert house members will be necessary if the power structure is to be reshaped so as to reflect the will of the majority.

All that can be said at the moment is that a door to modernization of the House has been opened. If a majority is disposed, it can take advantage of the opportunity to make the House once more the vital force in shaping governmental policy that it has often been in the past.

[From the San Francisco Chronicle, Nov. 12, 1968]

#### SOUTHERN FRIED SENIORITY RULE

It has been abundantly reported that the recent election leaves the Democratic party in comfortable control of both houses of Congress—a conclusion that is numerically unassailable but wide open to doubt in the light of crass, political reality.

For the Democratic majorities are heavy with Southern Democrats, whose viewpoints and voting records bear a striking resemblance to those of Northern Republicans when related to such issues as taxes, government spending, civil rights, gun control, foreign policy, defense, health, education, welfare, labor, the District of Columbia—and, of course, cloture. Their tendency to split from the party line was repeatedly noticeable in the last Congress, when they differed from Northern Democrats on 173 of 514 roll-calls in the two Houses.

What has happened to the Democratic party in the once solid South was inescapably plain in the recent election when not a single Southern State gave its electoral votes to Vice President Humphrey, the Democratic candidate. Yet the registered Democrats who voted for Nixon, the Republican, or Wallace, the defecting Democrat who invented the American Independent party, swung loyally and victoriously behind the Democratic candidates for House and Senate.

Thus, the old, familiar Southern fried legislators will return to the halls of Congress, bearing their accrued and powerful seniority with them. Thus, virtually every major committee of the Senate, and most of those in the House, will be headed up by a Southern chairman who is a Democrat only when in the mood.

In the Senate, these sometime Democrats from the South—and a few from the border—will head these committees: Agriculture, Appropriations, Armed Services, Banking, Finance, Foreign Affairs, Government Operations, Judiciary, Rules, Public Works and Labor. The only committee chairmen outside that regional bloc will be Magnuson and Jackson of Washington, and Bible of Nevada. None at all come from the Northeastern States that voted Democratic. In the House, the situation is quite similar.

Inasmuch as these committee chairmen

possess virtual life and death power over most legislation, there could be little comfort, indeed, for the Democratic party in its congressional majority. Its leaders may now discover wisdom in the proposal that committee chairmen be selected on some basis other than seniority.

[From the New York Times, Mar. 22, 1970]

#### REBELLION IN THE HOUSE

Revolutions in the House of Representatives are so rare that even the limited concession won by Democrats opposed to the seniority system must be considered an important advance. With one hand, the full caucus of the party granted the rebels the study of the seniority system they have been asking. With the other, the caucus put off the proposed deadline from June to some time after next November's elections.

The shift in date is more than dilatory; it is a calculated move to prevent liberal Democrats from making a campaign issue of this sixty-year-old blight on the Congress. Members of the Democratic Study Group in particular hoped to use the report either as an issue to take to the voters in the campaign or as a challenge to the party "establishment" on the opening day of the next Congress. Obviously a report issued in December will shut out the first of these opportunities and leave no time to prepare for the second.

In this little maneuver, however, the House leadership may have proved unprofitably slick. An accommodation that might have produced a compromise on an issue of great importance has been turned into fuel for a more far-reaching rebellion. Already nineteen House Democrats have signed a statement pledging to "reserve their options" for the House leadership elections next January until they know what reforms they can expect.

Some of these rebels talk of supporting a reform Democrat for Speaker, which could have the effect of throwing the House to the Republicans. Others might go all the way and vote for the Republican candidate. In that case Southern chairmen who have for so long taken the liberal Democrats for granted might lose their posts of power.

Whether the rebels would go this far is not for us to guess. But it is something for the House leaders to worry about. At the very least they can expect a series of moves to force an earlier deadline—and public agitation as well. All of which will keep the reform fires burning brighter than if the insurgents had resigned themselves at the outset to a moderate version of an overdue reform.

[From the Washington Post, Feb. 17, 1970]

#### WHO WILL ABOLISH SENIORITY?

The move to unseat Speaker McCormack with a vote of no confidence in the House Democratic caucus tomorrow appears to have evolved into a campaign for modernization of the House. In the view of Representative Walde, who is spearheading the attack upon the Speaker, the two causes seem to merge into one. But other more experienced members are more inclined to strike a blow now at seniority and similar defects in the system, while leaving the fate of the Speaker to a more propitious moment. Herein lies the greatest hope for rescue of the House from its lamentable stagnation.

It is true that the 78-year-old Speaker has become a symbol of the organizational and procedural hardening of the arteries which afflict the House. Probably it is also true that the chance of achieving effective reform will be meager so long as he is in the driver's seat. But a change of pilots would not alone bring about the modernization that is so urgently needed. A far more serious drag on

the House as a legislative body is the control of many of its major committees by conservative Southern Democrats in their seventies. As Representative Lowenstein said on Meet the Press on Sunday, "Even societies that worship their ancestors don't automatically put their ancestors in charge of their Armed Services Committees and whatnot."

Probably the most practical maneuver at the moment is that sponsored by the Democratic Study Group, which wants a carefully selected committee to review the seniority system and other organizational defects with a view to action at the beginning of the next Congress. Representative Bolling, who seems to be the most influential member of this group on this subject, has sought for years to show his colleagues that they do not need to choose between the existing confusion and a return to the dictatorship that existed prior to 1910 under Speaker Joe Cannon. There is a sensible middle ground—assignment of the ultimate power to select committee chairmen to the caucus of the party in power, from nominations made by the Speaker without regard to seniority.

In our view, the Democratic caucus could greatly enhance its standing before the public by moving in this direction. If it fails to do so, it may drop a momentous issue into the lap of the Republicans. Representative McCloskey has pointed out how vulnerable the Democrats are to a campaign against seniority in the House and suggested that the Republicans could capture the enthusiasm of the younger voters by promising to abolish seniority in the House if a Republican majority is returned in November. A campaign on who could most effectively relieve Congress of the incubus of the seniority system would be welcomed with open arms.

Many Democrats may be inclined to rebuff any suggestions of reform when the issue arises tomorrow to save the face of the Speaker. But they should be fully alert to the risk they would take upon themselves by leaving this enormously popular issue to the Republicans.

[From the New York Times, Feb. 23, 1970]

#### ALTERNATIVES TO SENIORITY

The Democratic Study Group has postponed very briefly its attempt to do something about the seniority system, which has for so long made committees of the House of Representatives a collection of principalities, each with its own maharajah.

The group's resolution, calling for a special panel to recommend ways of making these committee chairmen responsible to their party, was sidetracked last week by a filibuster within the Democratic caucus. But the movement for reform is gathering momentum, and another effort will be made within a very few weeks.

What most of the reformers seek is a change mild enough to retain the shadow of seniority, a revered principle on Capitol Hill, but drastic enough to make even the most senior of chairmen wholly dependent on the favor of the party majority in the House. Of the several ways for achieving this purpose, three stand out in the discussions. The simplest and most likely of success calls for a yes-or-no vote in the caucus, starting with the most senior member and proceeding until a majority endorsement is reached.

The second plan would confine the contest to the three members of the committee with the greatest seniority, again with the caucus making the choice. And the third would allow the Speaker to name the chairman, subject to the voted approval of the caucus.

Clearly the last of these is the one least tainted with the seniority principle and accordingly the one that seems to us the most rational. Nomination and election by the

caucus would be even more democratic, but it would also, no doubt, be the most divisive.

All these approaches—and this is their great appeal—would end the automatic tenure in power that has turned committee heads into autocrats, answerable neither to their committees nor their party nor their constituents for their conduct as chairmen.

The momentary postponement on the resolution, and the time required for the committee to do its work if it is appointed, will not be without advantage. It will provide time for the educational job that must be done, in the House and out, if the Congressional hierarchy is to be convinced—as it is already beginning to sense—that changes must be made.

Some of that job is promised by liberal Republican members who plan to make seniority a campaign issue with which to taunt the Democrats; and some by the threat of liberal Democrats to help the opposition organize the House next January unless concessions on seniority are made. Such a move would be drastic, through not without precedent.

But how effective, after all, can a liberal Democrat be in a chamber in which military spending depends on an L. Mendel Rivers, the government of Washington is left to a John McMillan, and the order of business is determined by a William M. Colmer?

[From the Seattle-Post Intelligencer, Mar. 26, 1970]

#### SENIORITY SYSTEM

Both Democrats and Republicans have taken tentative steps toward reform of the Congressional seniority system by endorsing review of present methods of appointing House committee chairmen.

In shaping federal legislation, committee chairmen possess vast powers. Yet many are well beyond the national norm for retirement.

Younger members of Congress are distressed and feel ineffectual in attempts to advocate progressive legislation. These men are not youngsters but mature legislators in their 30's and 40's who are excluded from the decisionmaking process by an outmoded power structure.

If aging college professors can proudly accept emeritus roles and elder statesmen of the corporate world can graciously step down to advisory positions then it certainly seems that senior members of Congress can share with their younger colleagues some of the power and authority for national legislation.

Some chairmen have the capacity to function ably in their 70's and even their 80's. But they and the Congress probably would function even better if younger voices are heard.

Young congressmen don't ask for absolute administrative power in either the House or the Senate. But they do deserve a more active role in leadership responsibilities.

It is widely conceded that the country as a whole has a generational problem. This very well may be reflected in a Congress where younger men must grow old before they are given any real authority.

[From the New York Times, July 15, 1966]

#### THE TYRANNY OF SENIORITY

The jubilation of moderate and liberal forces over the evident defeat of Representative Howard W. Smith in Virginia's Democratic primary is tempered by one unpalatable by-product: under the seniority system Representative William M. Colmer of Mississippi will succeed Mr. Smith next January as chairman of the immensely powerful House Rules Committee.

If Mr. Smith compiled a matchless record for obstruction and reaction in 35 years in Congress, Mr. Colmer, a member since 1933, cannot be far behind in any contest for that distinction. He obviously would use the Rules

chairmanship as ruthlessly as Mr. Smith ever did to try to block liberal legislation from reaching the floor of the House.

It would be hard to find a better illustration of the bankruptcy of the seniority system in Congress than the probable elevation of Mr. Colmer to this key post of traffic director for House legislation. Unfortunately, however, there have been many similar examples in recent Congressional history. The point is not diluted by the fact that the evident defeat of Mr. Smith's Virginia colleague, Senator A. Willis Robertson, will promote an abler man to the Senate Banking and Currency Committee chairmanship.

Is there a hope that the Democratic leadership in January will finally support revision of the seniority system? At the start of the 89th Congress in 1965 liberal Democrats fought successfully for three changes in the House rules, but backed off from a move against seniority because Speaker McCormack and other party veterans would not support it. It may depend next January on how many of the 180 present members of the liberal Democratic Study Group—many of them freshmen who rode in on the Johnson landslide in 1964—survive in November.

Perhaps the prospect of Mr. Colmer as Rules chairman will prod even complacent Democrats into action. If the House scrapped or revised seniority, pressure would mount on the Senate to do likewise.

On the record, it would be foolish to expect any such political earthquake on Capitol Hill, though it is clear that few reforms would do so much to improve the image of Congress with the country—and the world.

[From the St. Louis Post Dispatch, Apr. 1, 1969]

#### THE SENIORITY HURDLE

A staff report for the Democratic Study group provides a further illustration of how the seniority system in Congress can threaten party programs and stall needed action.

As a key to this finding the report concentrates on 30 votes in the last Congress on such issues as poverty and hunger programs, education, housing and urban affairs, civil rights, consumer protection and foreign aid. These votes were tests of Democratic party platform positions, or of party unity or support of the Democratic Administration, or of liberal versus conservative positions.

The report states that Congressmen associated with the Democratic Study Group voted 91 percent behind Democratic principles in the 30 tests, while other Democrats showed only 31 percent support and Republicans 24 percent. The DSG Democrats suffered 17 defeats. And votes of Democratic committee and subcommittee chairmen alone were responsible for half of those defeats.

In fact, the report says, 42 of the 114 Democratic committee and subcommittee chairmen voted more often against than for Democratic programs. Thirty-four of them exceeded the Republicans in opposition. All but one of the 42 are from Southern and Border states, but the report says the regional distinctions seem less important than basic differences with present Democratic policies. However, it seems clear enough that the Southern Democrats are unwilling to qualify as national Democrats.

Chairmanship opposition to party programs has increased in 15 years. In the eighty-third Congress, there were no Democratic chairmen voting more often against than with their party, but the number taking this position has increased in each Congress since. Men who owe their committee leadership to their years in Congress have too often been unable to accept new answers to new problems such as those in civil rights and the poverty program.

The seniority system is, indeed, a poor method of promoting power and influence in

the nation's legislature. We say this not because it disrupts party unity, but because tenure alone is not a measure of a public servant. Tenure is, too often an obstacle to new ideas, yet these are what Congress is expected to confront year after year.

[From the Cleveland Plain Dealer, Dec. 16, 1969]

#### BETTER TOOLS FOR CONGRESS

Modest reforms that undoubtedly would improve the performance of Congress as a study and deliberative body have been proposed by a subcommittee of The House Rules Committee.

The committee's bill makes not the slightest assault on the major flaw in congressional organization—the seniority system which determines committee chairmanships—but it does attack other weaknesses. Some of those are inadequate staff, laborious information services and authoritarian committee procedures.

Approval of the bill would help Congress keep up with the difficult task of reaching sound judgments about the increasingly complex problems facing society today.

The bill would provide Congress for the first time with an organized coordinated computer system so that members could obtain rapidly the information they need for modern lawmaking.

It would greatly expand the research services provided to Congress by the Library of Congress.

It also would increase the size of the professional staffs of Senate and House committees, including staffs of the minority members, and it would provide the money for the House members' own staffs.

Information, from staff and from legislative research services, is indispensable if Congress is to reach wise decisions, or if it is to fulfill its role as a check on the powers of the administration.

The bill also would reform committee procedures to produce more open and regular meetings, public record of voting and less voting by proxy. Exposing committee activity to greater public scrutiny would discourage the closed-door maneuvering which too often works against the public interest.

The bill also proposes that the federal government's fiscal year conform with the calendar year, and that the Bureau of the Budget and congressional committees provide five-year forecasts of the programs they recommend. This would eliminate unnecessary confusion and allow Congress to approach budget problems in greater order.

Another provision would bring Congress closer to the public by permitting radio and television broadcasting of House sessions.

All of these reforms, though modest in nature, are good and would improve congressional efficiency. They should be approved.

[From the Cleveland Plain Dealer, Mar. 22, 1970]

#### IMPROVING THE SENIORITY SYSTEM

Members of the U.S. House of Representatives who want to reform the seniority system have the responsibility of putting forward workable alternatives.

The Democratic party caucus has agreed to a study of the system, although those opposed to the study were able to delay the deadline for submission of the findings until after the congressional elections in November.

It is true that there are numerous abuses built into a system that makes a person a committee chairman simply because he has served on the committee longer than the other members. This is no assurance of quality leadership.

But what improvements are possible? The seniority system was instituted as a reform measure. It would not necessarily be any

better to return to the days when one person or a tiny clique of powerful congressmen decided upon the committee chairman.

Nor would it necessarily be any better to elect a chairman from among the committee members. The congressman who is most popular or able to make the most promises in return for votes may not make the best chairman.

What would be beneficial would be a system under which the most qualified congressman becomes chairman and could be removed without great difficulty if he fails to perform as he should. Moreover, it would be good to build some degree of continuity into the post of chairman. However, no suitable way of bringing about all these chances has been offered thus far.

One of the main reasons why there are so many objectionable persons serving as chairmen is because the two-party system was ineffective for so long in the South. Congressmen from that region have become entrenched in chairmanships because once elected to office they have seldom been dislodged, thereby building up the most seniority.

We would welcome an improvement upon the seniority system, but we have not yet seen one.

#### CONGRESS MAY MODERNIZE A BIT

There are indications that Congress may attempt some modest steps toward modernization this year.

A reorganization bill that would make some changes in the way Congress operates is slowly making its way through the House Rules Committee.

It would provide congressmen with important new information services through expansion of the Legislative Reference Service and of committee staffs, and would curb some of the power of committee chairmen.

The bill does not touch what many congressmen, particularly the younger, newer members, consider to be the basic flaw in the organizational structure of Congress. That is the seniority system which awards committee chairmanships to the men who have served longest in Congress, whatever their competency.

The House Republican Research Committee, headed by Rep. Robert A. Taft of Ohio, has appointed a 19-member task force to study the seniority system. It is to make a report before the end of the year. There is no indication yet of task force sentiment about the system.

A similar study has been started on the Democratic side by an 11-member committee appointed by Rep. Dan Rostenkowski of Illinois, chairman of the Democratic caucus. Its report is not due until January 1971. A group of liberal young Democrats, however, is pressing hard for an earlier report, early enough to be of use when Congress organizes for its next session.

Whatever the outcome of the two task force studies, the more modest reforms being considered by the Rules Committee are welcome and should help Congress in coping with the nation's increasingly more complex problems.

#### TOWARD A MODERN CONGRESS

The winds of change that have forced reforms in such venerable institutions as church and university are beating against Congress.

Its younger members, particularly in the House, are demanding a share of the power that is now held almost exclusively by their senior colleagues because of the system of awarding committee chairmanships solely on the basis of seniority. A group of freshmen Democrats, impatient for change, even threatens to bolt the party and vote to organize the House for the Republicans unless

Democratic leaders indicate willingness to institute reforms spreading the power around.

Some veterans who have climbed halfway up the seniority ladder call for change, worried that customs and traditions "outside of the law and the Constitution" have developed the Congress into an institution "at least one and one-half generations behind the times," as Rep. Charles A. Vanik of Cleveland put it.

He and Rep. Henry S. Reuss of Wisconsin urge the Democrats now vying for House leadership posts to take a public stand on reforms calling for selection of committee chairmen by democratic procedures in party caucus, open meetings of committees except when national security is involved, restraints on the arbitrary powers of committee chairmen, and record voting on all major bills.

These are not new ideas, nor ideas held exclusively by Democrats. A House Republican task force on congressional reform covered much of the same ground in a report prepared in 1966. Each party today has a committee of House members studying reforms, including abandonment of the seniority system, and a more modest modernization program is now taking shape in the House Rules Committee.

There is no rule of seniority, but only the custom. House rules provide only that the full House shall elect as chairman of each standing committee one of the members thereof. In practice, the House ratifies decisions already made in party caucus. And by custom, the caucus selects as chairmen the committee members with the longest service, or seniority.

At any time, the party caucus could change the custom and select chairmen on the basis of ability, or adherence to the party position on broad national issues, which is what the reformers want.

The problem is, however, that generally only the younger members can agree that this would be a desirable reform. The longer a congressman has been in office, the better the seniority system looks to him. Then he begins to argue—with good reason—that abolition of the system would lead to log-rolling, factional fights and political trading as congressmen fought for positions of power.

One can only speculate on what evils might develop if committee chairmen were selected by vote of the caucus, or of the committee itself. Loss of continuity and popularity contests would not necessarily bring abler men and better government.

Yet drawbacks of the seniority system also are apparent. The chief one is that it destroys party responsibility. A chairman, owing allegiance to a provincial constituency and not to his party can ignore platform pledges and legislative programs advanced by party leaders.

If Congress is not ready to abandon the seniority system, and it probably isn't, it can at least initiate reforms controlling abuses of power of committee chairmen.

In sum, a compromise reform would be desirable, specifically including more open meetings of committees, decision by vote of the committee on what legislation to consider, and record voting on major bills.

[From Chicago Today, Oct. 18, 1969]

#### CONGRESSIONAL REFORM? O, SURE

Remember congressional reform? It got to be a moderately well-known issue last year, when a group of reform-minded younger congressmen under former Rep. Don Rumsfeld [R., Ill.] kept kicking up dust about it. Their complaint was that Congress is becoming fossilized—an unwieldy, unresponsive, generally shiftless institution in which power is largely monopolized by elderly men, particularly committee chairmen who get and keep their posts thru seniority.

But the seniority system remains untouched. Changes in rules that would weaken

the life-or-death power of committee chairmen over legislation have either been dropped or watered down to meaninglessness.

We think they were quite right. Since then, however, Rumsfeld left Capitol Hill to head the office of economic opportunity, and congressional nature has taken its course. By now, the "reform" action being contemplated wouldn't raise a speck of dust in a haunted house.

The measure being readied for House action is a congressional reform bill in name only. It does some mildly praiseworthy things like abolishing the 25-cent fee for Capitol tours, providing a dormitory for page boys, and lifting the ban on radio-TV coverage of committee hearings.

Attempts to tighten restrictions on lobbying have been abandoned.

Rep. B. F. Sisk [D., Cal.], head of the subcommittee that's been working on the reform bill since May, explained: "We're political realists. We want a bill that can pass."

That may be called realism—giving up a fight immediately for fear you may lose. It's also one way to guarantee that Congress will never have to improve.

[From the New York Times, May 22, 1970]

#### BREEZES STIR ON CAPITOL HILL

By serving notice now of his intention to step down from the Speakership, John McCormack may well be staving off a rebellion of historic dimensions in the House of Representatives. Had he chosen to run again, there is no question that a large segment of Democrats would either have fought his re-election to the end or demanded as the price of acceptance a pledge of reforms in the institutional workings of that chamber.

In this respect the Speaker's sudden decision may be a setback. No serious student of the House questions the acute need for changes, particularly in the autocratic rule of committee chairmen and the seniority system that supports it. Representative Carl Albert, Mr. McCormack's probably successor, is a mediator rather than an innovator, a man capable of listening sympathetically to the very plaints of Congressional freshmen while he smoothes the ruffled feathers of outraged Establishmentarians. But by his very neutrality and acceptability to all factions, he presumably will conduct only a delaying action in the Democrats' most private civil war.

That war, desultory as it seems, will nevertheless continue. Regardless of who the next Speaker is, there will almost certainly be a spirited fight for the majority leadership now held by Mr. Albert. Preliminary speculation focuses sharply on Representative Dan Rostenkowski of Illinois, now head of the Democratic caucus in the House and candidate of the powers that be. A protege of Mayor Richard Daley—some think his chosen heir to Chicago's City Hall—Mr. Rostenkowski would certainly be opposed by members of the liberal Democratic Study Group as the type of machine leader they are so eager to supplant with a Congressman whose mind is more attuned to issues than to politics.

While we are mindful of Speaker McCormack's contributions in the past—especially his championing of New Deal legislation in his early Congressional days—his best days were well behind him when he assumed the Speakership. Even if his departure from that difficult and powerful office defers a planned uprising, it is nonetheless an unacknowledged recognition that, as everywhere else, fresh breezes are gaining strength—at long last—in the House of Representatives.

[From the Minneapolis Star, May 22, 1970]

#### MCCORMACK AND THE SYSTEM

House Speaker John McCormack, a Boston Irish politician of the old school, finally

called it quits. It was a pity that he waited so long. He might have stepped out with honor. Instead, he lingered until he could no longer cut his losses.

He had lost his grip mentally. His leadership qualities, never strong, had disappeared. His health, at age 78, was poor. He had been betrayed by close associates. He was under attack by younger liberals within the Democratic party.

In a way, McCormack was more sinned against than sinning. He never questioned the seniority tradition that elevated him to a position of power and maintained him there even if he couldn't really exercise that power for good or ill. Nevertheless, the attack from the liberal flank is not so much on McCormack the symbol.

Harvard economist John Kenneth Galbraith underscored this when he told university students here that their revived zeal for working within the system for peace candidates would be a "fraud" unless they also worked to get candidates to commit themselves to attack seniority. The evil isn't only that it enables an ineffective figure like McCormack to hang on, but that effective figures like House Armed Services Chairman Mendel Rivers, D-S.C., not only hang on but build powerful empires.

Working within the system to influence changes in basic traditions (and seniority is a tradition, not a legal matter) will take long, patient hard work. This will pose a test not only for bright young activists but ultimately for the inherent capacity of the American political system to change.

[From the Rockford (Ill.) Morning Star, June 11, 1970]

#### SENIORITY REFORMS DUE

The issue. Reform of the seniority system in effect in the Congress of the United States.

Congressman John B. Anderson of Rockford has thrown his support behind the move for reform of the seniority system in Congress which is attracting an increasing number of members of both parties.

Opposition to the seniority system, under which members of Congress with the longest service receive leadership positions, gained momentum earlier this year when Rep. Jerome R. Waldie, D-Calif., introduced a resolution calling upon House Speaker John W. McCormack to step down.

The resolution was defeated by a 192-23 vote. Speaker McCormack made it unnecessary for another attempt when he announced May 20 he would not seek re-election to the House. He is completing 42 years in Congress.

Support for scrapping the seniority system is coming from both liberal Democrats and conservative Republicans. The liberal Democratic Study Group has called for the appointment of a caucus committee to review procedures for the selection of committee chairmen.

Rep. Paul McCloskey, R-Calif., has suggested to Rep. Gerald R. Ford, R-Mich., House minority leader, that the seniority system should be scrapped if the GOP wins control of Congress this year.

Anderson pointed out that the average age of chief executives of the nation's largest businesses is 57, while the average age of House Committee chairmen is over 70.

"Something is wrong with the system which doesn't make some provision for retirement of committee chairmen after a certain age," he said.

Anderson favors modification of the procedure so that each committee could choose a chairman by secret ballot from among the five most senior majority party members. That would be a big improvement.

The ranks of Congress are being filled by a growing number of younger men and women. Many have exceptional ability, but they are thwarted by a system which re-

quires them to be around for 20 years or longer before they have a voice in the leadership.

The seniority system will not die easily, but the voices for a change are growing louder. When the new Congress is organized next year, there may be a change.

[From the Cleveland (Ohio) Plain Dealer, June 22, 1970]

#### TOWARD A MODERN CONGRESS

The winds of change that have forced reforms in such venerable institutions as church and university are beating against Congress.

Its younger members, particularly in the House, are demanding a share of the power that is now held almost exclusively by their senior colleagues because of the system of awarding committee chairmanships solely on the basis of seniority. A group of freshmen Democrats, impatient for change, even threatens to bolt the party and vote to organize the House for the Republicans unless Democratic leaders indicate willingness to institute reforms spreading the power around.

Some veterans who have climbed halfway up the seniority ladder call for change, worried that customs and traditions "outside of the law and the Constitution" have developed the Congress into an institution "at least one and one-half generations behind the times," as Rep. Charles A. Vanik of Cleveland put it.

He and Rep. Henry S. Reuss of Wisconsin urge the Democrats now vying for House leadership posts to take a public stand on reforms calling for selection of committee chairmen by democratic procedures in party caucus, open meetings of committees except when national security is involved, restraints on the arbitrary powers of committee chairmen, and record voting on all major bills.

These are not new ideas, nor ideas held exclusively by Democrats. A House Republican task force on congressional reform covered much of the same ground in a report prepared in 1966. Each party today has a committee of House members studying reforms, including abandonment of the seniority system and a more modest modernization program is now taking shape in the House Rules Committee.

There is no rule of seniority, but only the custom. House rules provide only that the full House shall elect as chairman of each standing committee one of the members thereof. In practice, the House ratifies decisions already made in party caucus. And by custom, the caucus selects as chairmen the committee members with the longest service, or seniority.

At any time, the party caucus could change the custom and select chairmen on the basis of ability, or adherence to the party position on broad national issues, which is what the reformers want.

The problem is, however, that generally only the younger members can agree that this would be a desirable reform. The longer a congressman has been in office, the better the seniority system looks to him. Then he begins to argue—with good reason—that abolition of the system would lead to log-rolling, factional fights and political trading as congressmen fought for positions of power.

One can only speculate on what evils might develop if committee chairmen were selected by vote of the caucus, or of the committee itself. Loss of continuity and popularity contests would not necessarily bring abler men and better government.

Yet drawbacks of the seniority system also are apparent. The chief one is that it destroys party responsibility. A chairman, owing allegiance to a provincial constituency and to his party can ignore platform pledges

and legislative programs advanced by party leaders.

If Congress is not ready to abandon the seniority system, and it probably isn't, it can at least initiate reforms controlling abuses of power of committee chairmen.

In sum, a compromise reform would be desirable, specifically including more open meetings of committees, decision by vote of the committee on what legislation to consider, and record voting on major bills.

[From the Seattle Times, May 22, 1970]

#### A SYMBOL STEPS DOWN

##### Issue. Congressional reform

The decision of House Speaker McCormack to retire from Congress next year was one among many wise decisions that senior statesman has made in a notable 42-year congressional career.

It is not to detract from McCormack's impressive record of service to note that there comes a time for every leader to step down and that McCormack at last has recognized this fact.

The elderly Speaker had become the living symbol of the whole archaic seniority and committee system under which Congress operates. He was the principal target of the movement toward congressional reform.

Now that the symbol is stepping down, that ought not to mean that the reform efforts should be moderated.

Much is being written about the individual congressmen who are vying for the various openings to be expected in a reshuffling of House of Representative leadership posts (assuming the Democrats win control of the next Congress).

Of greater long-range importance than the matter of what individuals occupy what posts, however, is the need for Congress to shed its stifling and anachronistic ways and follow the lead of many other American institutions in adopting modern means of getting things done.

Under the existing seniority system, the average committee chairman is 70 years old. The process of advancement to positions of great power simply by holding on long enough to a congressional seat is obviously nonsensical.

Congress is extraordinarily jealous of its own prerogatives and unfailingly zealous in demanding detailed answers from the executive branch to the most minute questions raised by its members.

Yet Congress dons blinders when there are questions concerning its own failures to respond to the challenges of the times.

But there is yet hope for a meaningful measure of reform. That hope lies in the sudden interest on the part of most congressmen in putting on a great show of opening their office doors and listening to the voices of young people.

If the lawmakers really will listen, they will find that the archaic congressional system is one of the principal targets of youthful concern.

Congress must shed its bottleneck role; in a narrow sense, for its own sake, and, in a far larger sense, for the sake of our three-branch republican form of government.

[From the Louisville (Ky.) Courier-Journal, May 15, 1970]

#### REORGANIZATION, NOT REFORM, ON CAPITOL HILL

It's probably human nature that more people seem to get agitated at the rise in congressional salaries—the going rate is now \$42,500—than over how our elected representatives go about their business. The first is measurable: "That bum isn't worth a dollar an hour." The second is a kind of byzantine labyrinth designed to perpetuate in-

efficiency, reward old age and bewilder the average citizen.

It comes as no great shock, then, that the reorganization bill now before the House would oil the machinery a bit but not replace all those broken gears. It would open the door to computers and a stronger research arm and televised committee hearings, but it wouldn't tamper with the seniority system from which most of the troubles flow.

#### POWER VESTED IN ELDERLY

Any business that put all its oldest employees in the top spots, with no question of merit, would not only ask for trouble but deserve it. Yet Congress rocks placidly along its real power vested mostly in elderly men who get re-elected forever because the areas they serve are safely remote from the distresses of an increasingly urban society.

It would be pleasant to think that televised committee hearings would so expose the anachronisms of Congress to public view that the resulting clamor would force instant reform. But the Senate has been televising these things for two decades to no such avail. Perhaps that's because so many of the senior men, such as judiciary's Sen. James Eastland, don't need the publicity and find they can get more done when the door is closed.

Every other year, when a new crowd of Young Turks shows up on Capitol Hill, there's talk of dismantling the seniority system; of toppling such over-the-hillers as 78-year-old Speaker McCormack. And maybe one of these days the miracle will happen. But the lure of a little seniority for himself, as those above him on the ladder are defeated or retire or die, has a way of turning today's reformer into tomorrow's standpatter.

Congress is improving the arduous lot of the representative and senator, giving him more staff, making his pay more realistic, speeding the flow of information on which his decisions hinge. It also has taken the first tentative steps, via the two-year-old public disclosure act, to publicize at least some of the conflicts of interest that too often abuse the national good.

So the workings of Congress slowly improve, like an old car with a new clutch. But the driver, sad to say, still doesn't ask the passengers where they want to go.

[From the Toledo (Ohio) Blade, Jan. 3, 1970]

#### SENIORITY POWER, LTD.

Seniority, as it reflects experience, ability, and leadership, commends itself as a worthy and valued attainment. Indulged in the extreme, however, it runs the hazards of age and the erosions of physical and mental capacities. Congress, with its time-honored committee chairman system that rewards seniority with tremendous power, is again under attack on that score.

The fact that at the start of the new year 15 committee chairmen, nine in the House and six in the Senate, will be over 70 is adding fuel to criticism that comes within Congress and the Administration as well as from concerned citizens.

Such proposals as that of John Gardner, former Secretary of Health, Education, and Welfare, to bar anyone over 70 from serving in Congress are not likely to succeed. And the exemplary act of Sen. John J. Williams in announcing his retirement at age 65 because of his strong feelings about age will not set off a stampede to follow suit.

This suggested hewing to a hard and fast age limit is not necessarily a wise solution in the case of members of Congress because of the diverse physical constitutions and mental capacities of individuals. After all, it rests with constituents to decide if and when a representative or senator should be involuntarily retired.

But committee chairmanships within Congress are another matter. The vitality of Congress as a responsive body rests with the committee system in which the major legislative work is done.

Senators and representatives who for years on end have been returned to Congress virtually without challenge from their home districts have gained top seniority. The system not only has produced unbalanced numbers of chairmen representing southern and southwestern constituencies where one-party voting predominated for decades; it has also produced a cluster of aging chairmen without regard to ability or leadership qualities.

The instances of abuse and incompetence are sufficiently widespread to warrant breaking this grip. An age limit set on committee chairmen, preferably at 65, will terminate the virtual lifetime leases held by some and restore the leadership to experienced but younger men. This stripping of an elderly congressman's chairmanship powers and influence might also persuade his constituents to cast about for new blood. It could bring an infusion of younger men into Congress whose contributions had something more to recommend them than the attainment of seniority.

In any event, a turnover of committee chairmanships by virtue of an arbitrary age limitation would remove injuries to pride or reluctance to offend honored elder statesmen, at the same time protecting against indefinite entrenchment of dictatorial powers such as have thwarted committee efforts and, at times, even the will of Congress.

[From the Chicago Sun-Times Jan. 14, 1970]

#### MCCORMACK'S TIME HAS COME

Despite his age and charges that his office was used as a base for influence peddling, John W. McCormack is planning to seek re-election as speaker of the House next January.

McCormack was 78 on Dec. 21. Younger Democrats have argued that he is hopelessly out of touch with the problems of this swiftly changing age. McCormack is accused of letting conservative elements in the party wield too much influence, particularly Southern committee chairmen who retain powers to be reckoned with because of the seniority system.

The seniority system itself has no place in a government that must be responsive to change. Because a congressman has served long years in Washington does not necessarily endow him with the wisdom and knowledge required to help guide the nation's destiny. Congress should not let length of service be the sole criterion for selecting committee chairmen.

Congressmen ought to re-examine periodically the qualifications of their leaders without regard to the length of their service. The spirit of the seniority system no doubt accounts in some part for the loyalty of many House Democrats to McCormack. His friends claim he has the support of 167 out of the House's 245 Democrats and can easily be re-elected speaker.

The indictment of McCormack's long-time trusted aide and a lawyer-crony on charges of criminal conspiracy and perjury in connection with allegations of influence peddling should certainly give pause to McCormack's supporters. This embarrassment to McCormack and to the Democratic Party should increase the antagonism that exists toward the speaker among younger Democrats.

This antagonism showed last month during meeting of a few House members. McCormack said to younger members, "I think some of you want to run the House."

"That's perfectly true, some of us do," retorted Rep. Frank Thompson Jr. (D-N.J.),

who is 51 and a combat veteran of World War II and Korea.

We believe it's a fair statement to say men like Thompson are in closer touch with the problems of modern America than McCormack who first went to Congress in 1928. The Sun-Times long has advocated that older statesmen must step down to make way for new and able leadership. McCormack's time has come. We endorse efforts of Democrats who are willing to challenge the system of seniority and who want a change.

[From the Salt Lake City Deseret News, Feb. 12, 1970]

#### CAN CONGRESS MODIFY THE SENIORITY SYSTEM?

Congress often is notorious for ignoring its own advice.

As a case in point, 12 years ago it passed a law requiring chief judges of federal circuit and district courts to relinquish their jobs at age 70.

But the Congress never got around to requiring the same rule for its own members. And, indeed, it is such a bastion for the seniority system that at least nine of the most powerful committees in Congress are controlled by men 70 or older. Six chairmanships are held by men past 75, two by men past 80.

That would not be so bad if ability instead of length of service were the determining factor. Often, men of advanced years can and do remain highly effective in leadership positions.

But not all do. House Speaker John McCormack, for example, now 78, has lost most of his effectiveness.

"The House is no longer governed," says one Congressional aide. "Nobody can be sure any longer when major legislation will be brought before the House. It is a leaderless, confused group of competing bloc interests, and something has to give."

Missouri's Representative Richard Bolling has proposed what he calls "simple reforms" of the Democratic Party within the House which might at least be a step in the right direction. His plan would, in effect, pick committee chairmen by nomination of the Democratic leader and a majority vote on those selections by fellow party members. Age would then be no automatic bar. It shouldn't be. But ability would also be a factor.

Some such system must be devised if Congress is to accomplish the tasks expected of it in an increasingly complex society. The slow pace of the 91st Congress during its first session, for example, can be attributed at least in part to their prime.

[From the Philadelphia (Pa.) Evening Bulletin, Feb. 17, 1970]

#### REFORM IN THE HOUSE

An attempt to get a vote of no confidence in the Democratic leadership of the U.S. House of Representatives may grab most of the headlines about tomorrow's meeting of the House Democratic caucus.

But of perhaps more importance is a tame-sounding resolution calling for a study on alternatives to the present seniority system of picking House committee chairmen.

The challenge to the leadership of Speaker McCormack, Majority Leader Albert and Majority Whip Boggs is not insignificant, of course. The deficiencies that many see in the Speaker's performance have long been a subject of concern and debate. And a number of House Democrats are worried lest it be made a political issue in their own campaigns this fall.

But if the challenge picks up a score of votes in the caucus, it will surprise most of its backers. Such confrontations do not appeal to most congressmen, and many would

probably prefer a straight vote on the man at the beginning of the new session next January.

The caucus, however, just might start ventilating the cobweb-hung stuffiness of the seniority system. It will be interesting to see what the House, with its occasional zeal for reforming others, will choose to do for itself.

The resolution merely asks that a study committee be appointed to investigate other ways of choosing committee chairmen and report back in the spring.

The first question is whether the proposal will be allowed to come to a vote. If the caucus leadership packs it with congressmen who find cobweb-hung stuffiness congenial, then the reformers will have to try a new trick.

Leaders of the Democratic Study Group, an informal collection of liberals have suggested that the caucus be given veto power over chairmen. If a chairman were voted down, the next senior Democrat member would be voted on, and so on. (The Republicans would have to make up their own rules for a GOP-controlled House.)

That could be an acceptable alternative. Or how about a vote of the Democratic members of the committee in question? In any case, there is a need to replace the seniority system and brush away the cobwebs.

[From the Washington Post, Feb. 17, 1970]

#### WHO WILL ABOLISH SENIORITY?

The move to unseat Speaker McCormack with a vote of no confidence in the House Democratic caucus tomorrow appears to have evolved into a campaign for modernization of the House. In the view of Representative Waldie, who is spearheading the attack upon the Speaker, the two causes seem to merge into one. But other more experienced members are more inclined to strike a blow now at seniority and similar defects in the system, while leaving the fate of the Speaker to a more propitious moment. Herein lies the greatest hope for rescue of the House from its lamentable stagnation.

It is true that the 78-year-old Speaker has become a symbol of the organizational and procedural hardening of the arteries which afflict the House. Probably it is also true that the chance of achieving effective reform will be meager so long as he is in the driver's seat. But a change of pilots would not alone bring about the modernization that is so urgently needed. A far more serious drag on the House as a legislative body is the control of many of its major committees by conservative Southern Democrats in their seventies. As Representative Lowenstein said on Meet the Press on Sunday, "Even societies that worship their ancestors don't automatically put their ancestors in charge of their Armed Services Committees and whatnot."

Probably the most practical maneuver at the moment is that sponsored by the Democrat Study Group, which wants a carefully selected committee to review the seniority system and other organizational defects with a view to action at the beginning of the next Congress. Representative Bolling, who seems to be the most influential member of this group on this subject, has sought for years to show his colleagues that they do not need to choose between the existing confusion and a return to the dictatorship that existed prior to 1910 under Speaker Joe Cannon. There is a sensible middle ground—assignment of the ultimate power to select committee chairmen to the caucus of the party in power, from nominations made by the Speaker without regard to seniority.

In our view, the Democratic caucus could greatly enhance its standing before the public by moving in this direction. If it fails to

do so, it may drop a momentous issue into the lap of the Republicans. Representative McCloskey has pointed out how vulnerable the Democrats are to a campaign against seniority in the House and suggested that the Republicans could capture the enthusiasm of the younger voters by promising to abolish seniority in the House if a Republican majority is returned in November. A campaign on who could most effectively relieve Congress of the incubus of the seniority system would be welcomed with open arms.

Many Democrats may be inclined to rebuff any suggestions of reform when the issue arises tomorrow to save the face of the Speaker. But they should be fully alert to the risk they would take upon themselves by leaving this enormously popular issue to the Republicans.

[From the Lincoln (Nebr.) Star,  
March 23, 1970]

#### SENIORITY REFORM SOUGHT

The seniority system in Congress—under which great power is often vested in elderly men—has come under attack from various quarters, including a group of youthful Democratic rebels in the House and Nebraska's Third District Rep. Dave Martin, a Republican.

Martin, convinced that men in their 70's should make way for younger talent and concerned that many of the elderly members are committee chairmen, has proposed a constitutional amendment under which a person could not begin a Senate term after reaching age 69 or a House term after reaching 70, thus setting a mandatory retirement age of 74 for senators and 71 for House members.

We are not so sure that a mandatory retirement age, like a limit on terms of office, is a good thing. But it's obvious that a system that rewards age while many times overlooking ability is a bad thing.

In their bid to do something about what one termed the "antiquated people and antiquated machinery," 19 Democratic rebels have served notice that their votes cannot be taken for granted when the House reorganizes next January following the fall elections. They might go as far, they warn, as voting for a Republican for speaker if a study of the seniority system is not reported to the Democratic caucus prior to the elections.

The party caucus last week, with the support of the leadership, voted in favor of the study, but asked that the report be delayed until January. The 19 younger Democrats want the study completed by June so it can be digested before leaders are elected next term and so that Democrats can make it a campaign issue in the fall. A delay until January, they feel, will put off reform for another two years.

The pressure being exerted may not be enough to sway the majority party into initiating a reform movement, but the junior members have to be given credit for trying. Reform of the seniority system is long, long overdue.

[From the St. Petersburg (Fla.) Times,  
Mar. 23, 1970]

#### CHALLENGE TO SENIORITY: ORDER IN THE HOUSE

A group of reform-minded Democratic members of the House of Representatives has shown the seriousness of its intent to challenge the seniority system.

Nineteen determined, mostly young Democrats have threatened to upset their party's control of the House if careful consideration is not given to a study of committee organizations, with specific reference to "the custom of seniority."

The liberal representatives are concerned with some justification, that the study authorized by the House Democratic leadership could become a meaningless exercise—a paper concession to cries for reform.

Florida's Rep. Sam Gibbons had provided the House with a compromise resolution which broadened the narrow view of the entrenchment, yet satisfied the leadership that this would not be a shotgun attack on their seniority system.

Gibbons thus helped avoid a nasty party-split which would have polarized both reformers and stand-patters.

However, those who believe the time is long overdue for real reforms in the congressional committee system were set back by a modifier tacked on to the House resolution which called for the study. It put off the reporting date for the seniority study from June to January.

Sponsors of the resolution wanted the report to be delivered in time to do something about the system before the next Congress is reorganized. January would not only be too late for that, it would put any reform action off for at least another year.

There is new blood in the Congress which is boiling for a more modern system of representation for its constituents.

There is a new interest in the people who want representatives to have power derived from ability, not just through time on the job.

The seniority system has been responsible for some of Congress' worst excesses. It has allowed regional domination of important committees by members from the South, where there was seldom any challenge in politically safe Democratic districts. It has replaced responsibility with rote reelection of Speaker and automatic risings to chairmanships.

Failure to support party leadership, to the point of turning over House control to the opposition is a serious act.

But it is a measure of the strength of the movement for congressional reform, and should be considered for its seriousness by the Democratic leadership.

[From the Los Angeles Herald Examiner,  
March 26, 1970]

#### SENIORITY SYSTEM

Both Democrats and Republicans took tentative steps toward reform of the congressional seniority system last week by endorsing review of present methods of appointing House committee chairmen.

In shaping federal legislation, committee chairman possess vast powers. Yet many are well beyond the norm for retirement.

Younger members of Congress are distressed and feel ineffectual in attempts to advocate progressive legislation. These men are not youngsters but mature legislators in their 30s and 40s who are excluded from the decision-making process by an outmoded power structure.

If aging college professors can accept emeritus roles and elder statesmen of the corporate world can graciously step down to advisory positions then it certainly seems that senior members of Congress can share with their younger colleagues some of the power and authority for national legislation.

Some chairmen have the capacity to function ably in their 70s and even their 80s. But they and the Congress probably would function even better if young voices were heard.

Young congressmen don't ask for absolute administrative power in either the House or the Senate. But they do deserve a more active role in leadership responsibilities.

It is widely conceded that the country as a whole has a generation problem. This very well may be reflected in a Congress where

younger men must grow old before they are given any real authority.

[From the Buffalo Evening News,  
May 22, 1970]

#### HOUSE SPEAKER STEPPING DOWN

The announcement of Speaker John W. McCormack that he will retire from the House at the end of this year should substantially broaden opportunities for overdue and highly desirable institutional reforms in Congress.

Throughout his 42-year career on Capitol Hill, the gracious Mr. McCormack has remained loyal to his own personal code, surely a mark of steady conviction, and, as President Nixon said, the nation owes the Speaker a debt for his "statesmanship and patriotism."

At the same time, however, on-rushing social and political events have left Mr. McCormack somewhat out of touch and, at 78, he has become something of a symbol of the iron system of seniority in the House at a time when reasoned challenges to that system have mushroomed. Of 21 chairmen of standing committees in the House, for example, eight are 70 years or older. Moreover, Mr. McCormack, while not personally involved, was damaged by recent charges that an old friend and trusted aide had used his office as a base for influence peddling. This raised questions about whether he adequately controlled activities even in his own office.

A source of widening differences between the speaker's leadership and many Democrats and Republicans in the House relates to his unwillingness to consider broad institutional reforms in Congress. A couple of years ago, for example, a very modest reorganization bill, already approved by the Senate, was quietly buried by the speaker and Rep. William Colmer, chairman of the powerful Rules Committee. Nor has urgent public concern over ethical standards for House members won adequate legislative response.

No doubt Mr. McCormack's retirement will trigger a scramble for power among a number of potential Democratic successors and those intent on reshuffling the whole leadership hierarchy.

But a more important consideration, it seems to us, is that now the chance for various internal reforms has brightened. Whether Democrats or Republicans win a majority of House seats in November, the leadership emerging next January will be new, anxious to cultivate public support and approval, and with significantly fewer loyalties to the past. A part of achieving that end should include facing up squarely to the challenge of institutional change.

[From the Miami Herald, May 22, 1970]

#### AS SPEAKER JOHN STEPS DOWN

John W. McCormack was born in 1891, entered public life in 1917, and was elected to Congress in 1928. He has served there longer than most Americans have lived.

For Mr. McCormack to retire now, at 78, would seem to be an attractive sunset for him, and a service to the nation.

His age alone does not prompt us to take this view, for the experience of his years no doubt has given him wisdom that could well be used by younger colleagues. But it makes it more difficult for him to be representative of a young country in so powerful a position as Speaker of the U.S. House Representatives.

The median age in the United States is 27. Congress has passed laws making it mandatory for some civil servants to retire at 70. A survey of 25 of the nation's top corporations shows that the average age of their presidents is 57. These statistical straws do not by any means indicate that a man of 78 cannot understand the mood of his country, but they do quite clearly suggest it is more difficult for him.

Aside from other considerations, Mr. McCormack had developed into the national symbol of procedural restraints that inhibit the House as a whole in reflecting the will of the nation as a whole.

Specifically, he had become the single major target for attacks on the seniority system that have been mounted by younger congressmen. This system allows congressmen to rise to powerful committee positions simply on the basis of how many times they are re-elected. Years in office count more than skill and leadership.

The process of re-election does not offer any surety of leadership. Rather, it has often been due to a Congressman being from a "safe" district. This was especially true in the old one-party South, and in the political machine areas of the North. So repeated re-election carried no other guarantees of quality.

Mr. McCormack himself seemed to make at least grudging recognition of this when he endorsed the proposal of some rebelling congressional Democrats that the seniority system be subjected to study. Eleven Democrats in Congress will make that report after the November elections. It was the nearest thing to success the rebels ever achieved.

Now, with Mr. McCormack's retirement, the question has new life and the study may have new significance. It seems to us that it should, for Congress in these trying times cannot afford any artificial barriers between it and the public will. Tradition alone should not keep them there.

[From the Roanoke (Va.) Times, May 22, 1970]

#### MCCORMACK RETIREMENT IS GOOD NEWS; TIRED-BLOOD SICKNESS IN HOUSE REMAINS

John McCormack, at 78, symbolizes practically all that's wrong with the House of Representatives: All-powerful by virtue of seniority alone, he is old and sickly, inflexible in outlook, a stereotype holdover from Irish Boston's ward-heeling politics of the Great Depression.

McCormack was already too old when he ascended to the House speakership in 1962. But because the fruits of the House vineyard are tasted only by colorless and patient men—men who hail from safe election districts and climb quietly through the committee ranks over a span of several decades—McCormack was the automatic choice as Sam Rayburn's successor.

So it was, for a time, that McCormack in the Sixties was only a couple of heartbeats from the presidency—this because the presidential succession ladder then mistakenly ranked House speakers immediately behind a vice president as backup president. And so it was, on Nov. 22, 1963, that for a moment it was thought that Lyndon Johnson as well as John F. Kennedy had been the target of an assassin's bullets, and that, incredibly, this Pleistocene politician from Boston might be president of the United States.

It did not take long for Congress, and the country, to repair the constitutional oversight on presidential succession. But, such is the paralysis of the House in attempts to reform itself, it has taken this long a time, an influence-peddling scandal involving the speaker's closest aide, and finally a self-imposed retirement, to bring an end at last to the sad rule of John McCormack.

"Few institutions in our national life are as gravely in need of renewal as the Congress of the United States," John Gardner has written. Yet, except among younger House members, there is little sense of urgency; little recognition that McCormack and the other tired old men in the House's inner-sanctum, and the system that brought them to power, are chiefly responsible for the low esteem in which the country holds the lower legislative branch of Congress.

As Gardner once noted, "these men are full of years and honors. They can serve their country best by stepping aside; that would be patriotism at its highest." But because of stubbornness, self-pride and self-deception, they stay. So it is that, including McCormack, nine of the most powerful men in the House are over 70.

Even southern conservatives, who have jealously nurtured the seniority system as a means of maintaining their control of Congress, finally have begun to sense that John Gardner and other reformers may be right. No speaker was ever voted out of office, and so it was doubtful that even McCormack's non-leadership would ever have prompted the tradition-conscious House to violate that custom. But soon even traditionalists are going to have to permit an overhaul of House machinery, simply because the pressures of the times and the anger of the younger members require it.

With college-age activists swarming all over Capitol Hill trying to get Congress to reclaim leadership that a previous generation of liberals shifted to the White House, McCormack has shown an exquisite sense of timing in making his impending retirement official. Others in Congress, in their seventies and eighties, should quickly follow McCormack's example. And, as the necessary leadership changes are made, the entire House ought not to miss this rare opportunity to treat the tired-blood, institutional diseases that needlessly bring the McCormacks to power.

[From the Rapid City (S. Dak.) Journal, June 25, 1970]

#### BOTH PARTIES SEEM INTENT UPON ALTERING HOUSE SENIORITY SYSTEM

Since South Dakota will send two freshmen representatives to the U.S. Congress next year it is interesting to note that alternatives to the House seniority system are being examined.

The move is part of the winds of change beginning to blow in the tradition-bound House of Representatives. The decision of 78-year-old speaker John W. McCormack to step down at the end of the session will remove a prize symbol of the Old Guard. The unresolved question is whether the new breeze will be strong enough to topple the seniority system that places the control of Congress in the hands of aging men.

For the first time in recent years, the time-honored method of selecting committee chairmen—the basis of the House power structure—is under concerted attack by Democrats and Republicans. Both parties have set up groups to study the system by which men advance to key posts by longevity of service rather than by merit.

Power in the House now rests largely in the hands of men born in the last century or shortly after the beginning of the present one. Of the 21 committee chairmen, three are in their 80s, six are in their 70s, nine are in their 60s and only three are in the 50s and 40s. Southern Democrats from one-party districts are chairmen of one-third of the committees.

The seniority system became established in the House after 1911. Revolting against the autocratic Republican speaker, Joseph Cannon of Illinois, the House stripped him of his power to appoint committee chairmen. Instead, it was vested in a committee on committees. Since World War II, the seniority rule has been strictly followed although there is no rule requiring it.

Bitterness and frustration among younger members of the House who feel they are smothered by those born in the last century have been responsible for the pressure brought upon both parties to establish committees to study the seniority system.

The issue is likely to come to a head

sooner than the leadership expected. A California Democratic congressman is planning to introduce amendments to a congressional reform bill due for debate in July that will call for committee chairmen over 70 to step aside. This would reduce the average age of the chairmen from 68 to 60 years.

The fact both parties have started competing on the issue is a sign the generation gap is stirring on Capitol Hill at last.

[From the New-Bedford (Mass.) Standard-Times, June 26, 1970]

#### YOUNGER LEADERSHIP NEEDED

Next month, triggered in part by proposals of Rep. Thomas M. Rees, D-Calif., the House of Representatives is expected to debate amendments to a congressional reform bill that will call for committee chairmen over 70 to step aside. If enacted, this change in the basis of the House power structure would reduce the average age of the chairmen from 68 to 60 years.

Power in the House now rests largely in the hands of men born in the last century or shortly after the beginning of the present one. Of the 21 committee chairmen, three are in their 80s, six are in their 70s, nine are in their 60s, and only three are in their 50s and 40s. Southern Democrats from one-party districts are chairmen of one-third of the committees.

Bipartisan bitterness among younger members of the House had led to pressure on both Democratic and Republican leadership to study the seniority issue. Rep. James H. Scheuer, D-N.Y., undoubtedly voices the frustration of many junior members on both sides of the aisle when he complains that, "This Congress abounds in capable men in their 30s, 40s and 50s, but they are smothered by the dead hand of those born in the last century."

The generation gap has been a long time getting to Capitol Hill. It is to be hoped its tardy stirrings will produce a more proportionate voice for younger members. We are inclined to agree with John W. Gardner, head of the Urban Coalition, that "few institutions in our national life are as gravely in need of renewal" as the Congress of the United States and the best first step is an end to the seniority system.

#### GENERATION GAP IN CONGRESS

Probably no institution is more important to the ongoing functions of America's national life than the United States Congress for it represents the very heart of representative government. Paradoxically, probably no institution is in greater need of renewal than is that same Congress.

For the first time in recent history, the traditional method of selecting committee chairmen, which is the basis of the power structure in Congress, is under concerted and bipartisan attack. Public hearings have been started by a task force set up to examine alternatives to that power structure—the seniority system.

Under attack will be the time-honored system in which legislators advance to positions of power solely because of longevity of service. Merit and ability have nothing to do with it.

Power in the House of Representatives now rests largely in the hands of men born last century. Of 21 committee chairmen, three are in their 80s, six in their 70s and nine in their 60s. Only three are in their 40s or 50s. One-third are from one-party districts in the Deep South.

Facing the task force will be the job of determining a formula which will honor a matured legislator without defining that honor on age alone. Some of those men in their 70s and 80s remain capable and their counsel cannot be shunted aside. But the concern is

pointed toward those who have little to offer save seniority.

Then there is the nagging realization that other facets of our society are setting up mandatory retirement deadlines based solely on age. Already in the mill is an amendment to a proposed congressional reform bill which would ban committee chairmen who have reached their 70th year. They would not be denied committee membership, just the rigors of chairmanship.

There are winds of change blowing in Congress. The unresolved question is whether this new breeze wafting in the legislative generation gap will be an ill wind that bloweth no man good.

[From the Providence (R.I.) Journal, May 24, 1970]

AFTER McCORMACK

House Speaker John W. McCormack has made the right decision. At the age of 78 and after 42 years of service in the House, he is stepping aside into a well-earned retirement.

It is somewhat unfortunate that a few discordant notes have accompanied the act of retirement. Liberals in the House have been prodding the speaker to move over and make way for more youthful leadership. Politicians with an eye on the big chance had been contemplating a face-off with Mr. McCormack in his own 9th Congressional District in Massachusetts. There is, too, the embarrassing evidence that influence peddlers had abused the speaker's friendship and used his office for their schemes.

But these discordant notes are of small importance against Mr. McCormack's long and faithful service to his district, his party and his country. It is a record that has won for him the respect of his colleagues and the gratitude of the nation.

Mr. McCormack's retirement has touched off the usual repercussions. A scramble has developed in the 9th district where the prospect is that a dozen or more candidates will compete for the House vacancy. Another scramble may develop next January when the House Democrats meet in caucus to elect a new speaker.

A more significant result of the retirement may be a new examination of the congressional system which puts a high value on longevity and lifts many elderly men, long past the usual age of retirement, to places of influence.

It is not disrespectful to Mr. McCormack to observe that he showed the effects of his years and that he has not lately been a forceful and energetic speaker. It could hardly be otherwise, for no man at 78 can be expected to display the vigor and alertness that were his at an earlier period.

The point is that a system suffers whenever considerable numbers of its positions of influence are allocated to men of advanced age, and the present congressional system suffers from precisely that malady.

Five Senate committees currently are headed by chairmen over the age of 72. Three House committees are headed by chairmen over 80, and six others by men over 70.

Various unsuccessful attempts have been made to revise the congressional seniority system and the method of selecting committee chairmen. Typical was a measure introduced in the Senate three years ago which would have fixed 70 as the maximum age for a committee chairman; it was defeated overwhelmingly with only one affirmative vote.

And yet, despite the fierce resistance which Congress shows toward reform and its tenacious clinging to traditional ways, the evidence multiplies that reform is absolutely essential in this area if Congress is to play a responsible role in these troubled times when so many of our institutions are being shaken by change.

Mr. PACKWOOD. Mr. President, time does not allow me to enter all of the editorials from various papers in the United States stating their opposition to the seniority system. I would like, however, at this point to read a representative list of those newspapers that have gone on record as opposing the Senate's seniority system:

The Eugene (Oregon) Register-Guard.  
Portland Oregonian.  
Oregon Journal.  
The Salem (Oregon) Capitol Journal.  
Miami Herald.  
Philadelphia Inquirer.  
Baltimore Sun.  
St. Louis Post-Dispatch.  
Detroit News.  
Washington Post.  
San Francisco Chronicle.  
New York Times.  
Seattle Post-Intelligencer.  
Cleveland Plain Dealer.  
Chicago Today.  
Minneapolis Star.  
Rockford (Illinois) Morning Star.  
Seattle Times.  
Louisville Courier-Journal.  
Toledo Blade.  
Chicago Sun-Times.  
Salt Lake Deseret News.  
Philadelphia Evening Bulletin.  
Lincoln (Nebraska) Star.  
St. Petersburg Times.  
Los Angeles Herald Examiner.  
Baltimore News-American.  
Buffalo Evening News.  
Roanoke (Virginia) Times.  
Rapid City (South Dakota) Journal.  
New Bedford (Massachusetts) Standard-Times.  
Columbus (Ohio) Dispatch.  
Providence (Rhode Island) Journal.

Finally, Mr. President, as evidenced by letters we receive from our constituents, from comments we hear not only in our home States but throughout the Nation, and from other notice that we, as politicians, cannot fail to be aware of, it is obvious that the American public also repudiates the seniority system.

So, Mr. President, what is it that every civilized and uncivilized government in this world have in common? What is it that every free government and every dictatorial government have in common? What is it that every State legislature and city council in the United States have in common? What is the only similarity between Czechoslovakia and Chicago, between Arabia and Azusa, between London and Paris, and Louisville and Peoria? The only thing, Mr. President, that every form of government known to man in this world, except the Congress of the United States, has in common, is that they have rejected every vestige of seniority as a fit system of choosing their leaders. Can we do any less?

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

Mr. PACKWOOD. I yield.

Mr. PERCY. Mr. President, I should like to point out the impression I have of the great courage of the distinguished junior Senator from Oregon (Mr. Packwood) in the positions he has taken in this body ever since he has become a Member of it.

There are certain things that one presumably does not do. As a politician, one

does not ever talk about abortion; one never talks about limitation on family size. Despite the fact that we do limit now the number of wives we have, we have no legal limitation on the number of children.

I think that the distinguished Senator in his approach to problem-solving sometimes appears almost to be extreme in the position he takes. Yet, I would say that the position he takes would be no more extreme than the extreme position taken on social security some years back.

As we look back on these positions, I think we are going to say, "Thank heavens we do have someone who has the courage to speak forthrightly on these matters."

Just as in the area of population control, he has been forthright. I think that the beginning of what I hope will be a healthy debate on the subject of how we organize the Senate should be undertaken. There are many procedures in the folklore of the Senate for which we hold great affection, and other procedures that really restrict our ability to operate and act effectively and efficiently and respond in a responsible fashion to our problems. Perhaps the seniority system is one of those that should be looked at carefully, and appraised and analyzed. It may well be that this body will decide to continue with it but, every once in a while, we should have healthy debate about many of the things that we do.

I commend the distinguished Senator from Oregon for the research he has put into and the careful thought he has given the subject, and the position he has taken, that it is not a radical thought, and that seniority is not inbred in everything that we do, as he has so ably shown.

I thank my distinguished colleague for permitting me this interruption. I again commend him on his courage, his analytical powers which he is sharing with his colleagues, and his forthrightness in the position he takes.

Mr. PACKWOOD. Let me thank my distinguished colleague from Illinois and say to him that insofar as he came to campaign when I was running for election, I shall look to him for leadership. In a country that too often finds leaders committed to the concept that leadership means to feel the public pulse and move neither too far to the right nor to the left and risk nothing that might hurt chances for reelection, the Senator from Illinois, in my estimation, has been a beacon in leadership, and I hope that he continues to be for many years to come.

#### ORDER OF BUSINESS

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

The PRESIDING OFFICER. Without

objection, it is so ordered. At this time, in accordance with the previous order, the Senator from Arkansas (Mr. FULBRIGHT) is recognized for not to exceed 1 hour.

#### OLD MYTHS AND NEW REALITIES— II: THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, although dangers and uncertainties remain, the prospect for peace in the Middle East has improved. The more favorable outlook is the result of the responsible and politically courageous actions of the Israeli, Egyptian, and Jordanian Governments in responding affirmatively to Secretary Rogers' letter of June 19, calling on the parties to implement a cease-fire, to declare their willingness to carry out the U.N. Security Council resolution of November 1967, and to renew negotiations through Ambassador Jarring toward the implementation of that resolution. Both the United States and the Soviet Union have played constructive roles in bringing about the improved prospect for peace, the United States by initiating the cease-fire proposal and persuading Israel to accept it, the Soviet Union by its own favorable response and by the influence it apparently brought to bear on President Nasser. Also encouraging was a Soviet declaration, published in *Pravda* on July 21, repudiating the allegation that either the Soviet Union or the Arab States wished to "push Israel into the sea."

As Ambassador Jarring's mediation gets underway, the first important move will probably be up to Israel, which, as the military victor of the moment, can reasonably be expected to initiate the bargaining with a demonstration of flexibility, if not indeed of magnanimity. Should the Israeli Government agree in the early stage of discussions, and in fairly specific terms, to a peace settlement providing for Israeli withdrawal from the occupied territories and for a just settlement of the refugee problem—both as called for in the Security Council resolution of November 22, 1967—the prospect for peace would be better than at any time since the 1967 war. One hopes that, in considering the course which it will now follow, the Israeli Government will consider the problem in its full political and moral dimensions as well as in terms of immediate military advantage. This, I am aware, is a great deal to ask of any government—it is more than most governments, including our own, can usually bring themselves to do. There are, however, rewards in farsightedness and generosity—for those who can muster the will and the wisdom.

One of our own leading Jewish intellectuals, the journalist I. F. Stone, has placed the problem in its moral perspective. He writes:

For me, the Arab-Jewish struggle is a tragedy. The essence of tragedy is a struggle of right against right. Its catharsis is the cleansing pity of seeing how good men do evil despite themselves out of unavoidable circumstance and irresistible compulsion. When evil men do evil, their deeds belong to the realm of pathology. But when good

men do evil, we confront the essence of human tragedy. In a tragic struggle, the victors become the guilty and must make amends to the defeated. For me the Arab problem is also the Number One Jewish problem. How we act toward the Arabs will determine what kind of people we become: either oppressors and racists in our turn like those from whom we have suffered, or a nobler race able to transcend the tribal xenophobias that afflict mankind.<sup>1</sup>

As a modest contribution in the effort to transcend the tribal xenophobias that afflict mankind, I propose today to review some of the myths and realities of the Middle East, as I perceive them, to define as best I can the perspectives of the local parties and their great power mentors, and finally to suggest some additional steps which might contribute to a durable peace.

##### I. THE MYTHS

The myths that shape events in the Middle East are the oldest myths of all.

Some derive from religion. The contested land is a "holy" land; more than a place for raising crops and building cities, it is "sacred soil" for three great religions. Jerusalem contains both the Wall of the Temple, which is sacred to Jews, and the Dome of the Rock, which is sacred to Muslims. Neither can hold exclusive title to the city without also owning the other faith's shrine. Now, as in the days of the Crusades, religion exacerbates the issue, because, now as then, the behavior of the belligerents is more affected by the zeal with which they hold their beliefs than by the humane ethics taught by their respective religions. Now, as in the past, it is hard to strike a bargain over sacred soil.

Then there are the myths of mutual victimization. Perhaps I should say the half-myths, because both Jews and Arabs have victimized each other, though surely not with the deliberate and malign intent that each attributes to the other.

The Jews are obsessed with the fear of a repetition of the Nazi holocaust, and the Arabs do nothing to allay this fear with extravagant talk about "holy wars" and about throwing the Jews into the sea. These threats have understandably alarmed the Israelis in much the same way that Khrushchev's talk of "burying" us agitated Americans a decade ago. As I shall point out in detail later on, President Nasser and King Hussein have both, in effect, repudiated such draconian threats, but the Israelis seem not to have noticed the disavowals.

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

Mr. FULBRIGHT. I yield.

Mr. RIBICOFF. Mr. President, I thank the Senator for his courtesy in sending me a copy of his speech last week.

I have read the speech carefully and was deeply impressed by the new approach taken by the distinguished chairman of the Foreign Relations Committee. He is dealing with a very vital and complex problem.

In particular, I find his suggestion of a bilateral guarantee for Israel by our

own country worthy of serious consideration.

After examining the speech, I took the liberty of drafting a few questions which I believe might help clarify and expand some of the thoughts of the chairman of the Foreign Relations Committee.

I would like to ask the Senator from Arkansas whether the United States could come to Israel's defense under the treaty the Senator suggests, without the prior approval of the Security Council.

Mr. FULBRIGHT. As the Senator knows, the treaty is suggested only after the Security Council has given a guarantee. We would be obligated under the Security Council guarantee ourselves to implement that in accordance with our constitutional processes. However, in recent years the confidence in the United Nations has so eroded that I can well imagine that the Israelis, along with many other people, do not have much confidence that the Security Council would take action. So it is to support the U.N. commitment that I suggested we fortify it, primarily as an incentive to the Israelis to proceed with the other provisions, such as those relating to withdrawal. Its purpose is to give them confidence that we would take the Security Council guarantee seriously. So when you come to the bilateral guarantee, it simply reiterates and strengthens our determination to come to their aid. But, once the Security Council had given its guarantee, I would see no reason for a second further action by the Security Council, if the occasion should arise, for us to live up to our own commitment.

Mr. RIBICOFF. What puzzles me is if our guarantee of Israel's security is based on a United Nations-imposed settlement, could not the Soviet Union render the guarantee meaningless, if it does not agree with the United States as to who the aggressor party is.

Mr. FULBRIGHT. In issuing the guarantee, it is necessary that the Soviet Union agree to it. They could veto the original action issuing the guarantee.

Mr. RIBICOFF. But if at some future date there is a violation of the U.N. agreements, then the Security Council is going to have to determine the aggressor. The Soviet Union could veto any action. How would the United States honor its own agreement with Israel if you have a Soviet veto?

Mr. FULBRIGHT. Over and above the Security Council, the guarantee, we would assume the further bilateral obligation to exercise according to our own judgment as to the conditions which warrant our intervention.

I do not consider that the further guarantee or action by the Security Council would be necessary at all as a condition precedent to our coming to the assistance of Israel in that case.

Mr. RIBICOFF. That is what I mean. Suppose at a later date war breaks out again between Israel and the Arab States after the U.N. agreement. How does the United States reach its decision whether to come to the assistance of Israel or not? How will the United States make this determination?

<sup>1</sup> I. F. Stone, "Holy War," in *The Israel-Arab Reader* (Walter Laquer, ed., New York: Bantam Books, 1969), p. 324.

Mr. FULBRIGHT. We would make it in accordance with the constitutional process, as we have always done—until recently. To take a hypothetical situation, if we decided the Israelis were the object of aggression by the Arab States, I think we would be as morally bound as we can be under the treaty to come to their assistance. That would not depend on further action by the Security Council. If it did not have that effect, it would not have the effect of giving the Israelis the assurance we would come to their defense.

Again, as the Senator knows, I have been very anxious that we in the Congress play our part in these matters in accordance with our constitutional processes. I cannot imagine, having taken the action of the treaty of guarantee in accordance with the usual procedure, that we would have the slightest hesitancy of going to their assistance. This would be dependent on the decision of our Government that Israel deserved it under the terms of the treaty.

To take another hypothetical example: if Israel, without provocation, renewed the war, this would remove our guarantee. It obtains only if Israel is the victim of aggression.

Mr. RIBICOFF. The Senator from Arkansas also states that Israel would obligate itself, if I state it correctly, never to violate the U.N.-imposed borders. These, I should add, are the same borders that led to the 1967 war.

What if terrorist attacks on Israel mounted from Syria and Jordan continued? Does Israel still retain the legitimate right of self-defense to cross borders to get to the attackers who now enjoy the protection of Jordan and Syria?

Mr. FULBRIGHT. First, if Jordan and Syria consented to or harbored this kind of attack, they would be in violation of the Security Council guarantee and I think the Security Council ought to take action. But if they do not, and if the occurrence is a clear violation, Israel of course reserves the right of self-defense if it is attacked. By agreeing to the guarantee and the settlement, they do not give up all rights of self-defense.

Mr. RIBICOFF. Suppose Arab attackers flee back to Jordan, Lebanon, and Syria. Does the Senator conceive that Israelis, in hot pursuit, could not cross the borders of Jordan, Syria, Lebanon, or Egypt to get to the terrorist bases in those countries?

Mr. FULBRIGHT. If it is hot pursuit; I think they could do that. But here you raise a difficult factual matter. It is not unlike questions which have been raised with us in recent months in Southeast Asia.

This must be judged by rule of reason. If guerrillas are going back and forth across the borders, I think the rule of reason would say yes, the Israelis could defend themselves, even to the extent of following the guerrillas across the borders. Then, you get to the question: Suppose they go all the way to Amman; suppose they go to the extent of attacking Jordan. That exceeds hot pursuit. They should not be allowed to use hot pursuit as an excuse to occupy

Egypt or Jordan; they should not be allowed to go beyond what a reasonable man would say was repelling an attack. The Senator also assumes the attack is mounted with the support of the government's of the countries from whose territory the guerrillas operate. We know there are certain bands of terrorists here and in other countries which cannot be controlled. But I do not see any way to judge this other than to say that, if a course of action is reasonably related to Israeli defense, they could do it; if not, it would be a breach of their undertaking under the negotiated settlement and under the guarantee of the United Nations and our own.

Mr. RIBICOFF. The Senator is correct in pointing out these are hard questions. Yet, despite unresolved questions, I take the Senator's speech very seriously, as anyone, both in this country and abroad, interested in the problem of peace in the Middle East should. The distinguished Senator as chairman of the Committee on Foreign Relations of the Senate is in a position of great authority and responsibility. This proposal encompasses his thinking over a series of years, and certainly in recent months.

But it becomes important, if other countries, our own Government and the Senate is to consider it seriously, to fully understand the situation. There are Arab terrorist bands that might choose, even if the Governments of Egypt, Jordan, and Lebanon chose to limit their operations, to continue to harass Israel. They might continue to assert that Israel must be defeated, and that Israel must be ejected entirely from this region.

If there are organized bands that are going to continue their murderous forays into Israel, and the Governments of Jordan, Lebanon, or Egypt do not stop them, I do not see how, under those circumstances, how it would be possible to expect Israel to forbear from pursuing these terrorists across neighboring borders.

Mr. FULBRIGHT. I think so, too, so long as the pursuit is reasonably related to those forays.

First, let me say I would certainly hope that, regardless of its merits, the Senate takes the speech seriously. It is the first speech I have made on the very difficult situation in the Middle East. I have made it because of a number of factors which have arisen in recent months which indicate to me that the timing is right and also, most importantly, that the attitude of the Russians has altered in the last several months with regard to ourselves, and the West in general. I have reference to what has happened in the SALT talks, the agreement of the Russians with the Germans—this would have been most unexpected a year ago—and some other, less important happenings which indicate to me that the Russians themselves have recognized the seriousness of contributing an adversary, belligerent attitude toward us and toward the West.

There seems to be an attitude that they are willing to explore ways of lessening the continued belligerency with us, with the West generally, and especially with Western Europe and Germany.

So, whether my proposal is practical or not, I intended it as a serious speech. I certainly did not intend to just stir up controversy in an irresponsible way. Whether or not a suggested course of action is feasible and workable is always open to question or suggestion.

Coming to a more specific part, I personally do not believe these guerrilla bands can be a great problem to Israel unless they have the support of the country from which they operate. If the negotiations result in an agreement which can be guaranteed—I do not mean guerrillas or other nongovernmental people—and the governments agree, and they continue to support the guerrillas and allow them to operate, if they do not take all reasonable means to control them, I would say they would be in violation of their own agreements and would be in violation of the negotiated settlement.

But assuming, as the Senator has—I think he has assumed this—that even though the governments of Jordan and Syria took reasonable means to control them, but the activities went beyond their capacity to control, then circumstances would exist in which, as the Senator has properly said—and I have too—the Israeli Government would be entitled, in the exercise of hot pursuit, to do everything reasonably calculated to stop those forays into their country.

In the past—I suppose up to the present—the fact is that if those guerrilla bands did not have the explicit approval, certainly they had the tacit approval of their host governments.

Mr. RIBICOFF. I do not think there is any doubt about that. With regard to your statement that Egypt and Jordan had repudiated their previously stated intention to drive Israel into the sea—I wish this were so. I have tried to follow this situation very carefully. And except for interviews with foreign or American correspondents for external consumption, I have never seen any press reports where Nasser, in any statement made to the people of Egypt, ever asserted that Egypt must eventually live in peace with Israel. I believe his acceptance of the U.N. resolution of November 1967, has always made complete Israeli withdrawal a condition precedent for the application of the provisions of the rest of the resolution, has it not? That is what bothers me.

It is one thing to have an interview with a network television interviewer and be expansive and gracious because one is dealing with an American audience which expects such a statement, it is clear he is trying to influence American public opinion, and our own Government siezes on these statements. But then he keeps the pot boiling in his own country. He has not prepared his people for peace—which leads me to suspect his statements to American audiences.

How different it would be if Nasser were to tell his own people, and other Arabs who look to him for leadership that the time had come to live in peace with Israel, to have secure borders, to work out problems on a mutual basis, and that an Arab policy of driving Israel into the sea is a thing of the past. Does not the

Senator think Nasser could do that, if he really wanted peace with Israel?

Mr. FULBRIGHT. Of course, we can all think that all people in public life ought to be more frank and open in their statements, but I have observed that these leaders are not alone in their tendency to speak one way to one audience and another way to another. But the basic fact is that we are in a very difficult situation today and the question is what to do about it? These Arab leaders have publicly, on numerous occasions, stated that they do not subscribe to the idea of destroying Israel; they have said, in effect, that they are willing to accept Israel's existence, and they are anxious to implement the 1967 resolution which in itself provides, if it provides anything, for the acceptance of the permanence of Israel, and also for the forsaking of the state of belligerency, and the opening of the canal, and all those others of which the Senator is aware.

I grant that it is a very difficult situation in which to be optimistic about people living up to their protestations, public or otherwise, but we come back to the question again. What do we do about it?

I think it is worthwhile, in view of the present situation, to seek to get a formal agreement by the heads of the governments concerned. These governments are not constituted quite like ours, and we know their emotions are very great. I have heard for years that the leaders of those nations dare not publicly make concessions, because they would all be assassinated. It is that kind of area. They could not dare to say to their own people exactly what they have said in public statements to us and to the world. However, they have not been secret statements. They have been public statements. They have been reported widely in the press, on television, and over radio.

The Senator is raising the question of consistency in all public statements by leaders in various countries. To a greater or lesser degree, we find that a degree of inconsistency is characteristic of most leaders of most parts of the world.

I do not wish to inject into this discussion criticisms of our own people, but I think I could generalize by saying inconsistency is not unknown in our own country, both as to domestic politics and international politics. It occurs to a greater extent, I think, in the latter, because passions and emotions are much stronger in matters of international relations.

It is for that very reason that it is all the more important to try to bring about the kind of resolution of this tragic war that I am suggesting here. It may be that there is not sufficient ground for any trust at all that we can do anything about it. The present situation is very bad; I think the Senator will agree with that. If it were not so bad, I would not be so interested in making the suggestions I have. But it is very bad, and I think we would lose very little by at least trying to bring about this kind of agreement. If it fails, I do not see that we will be any worse off. If the parties do not agree, or things do not pan out, I do not know that we shall be any worse off than we are now. I think there is a good

enough chance of progress to justify the risk of trying to negotiate a peace.

Mr. FULBRIGHT. Let me add that I think we get the same argument in connection with trying to negotiate a peace between ourselves and the Russians. There are many people, in public life and private life, who say, "You cannot trust the Russians; there is no point in trying to make any agreement with them." I have heard that said on this floor.

That may be; and I am not so completely naive, I do not think, as to say you can trust them for anything. But people do have interests. I think they have interests. In this case, I think both sides have an interest in settling the war.

I think all of us, from time to time, become quite irrational in these international matters. I believe in trying to do our best to bring about negotiation; and this is the best formula I can think of at the moment.

Mr. RIBICOFF. I am assuming that the distinguished chairman of the Committee on Foreign Relations, in suggesting this security treaty with Israel recognizes that the United States does have vital interests in the Middle East, although I note he has brushed aside the concept of geopolitics, in defining our Nation's interests in the world.

Mr. FULBRIGHT. I think, outside of our Nation's sentimental and cultural attachment to Israel, if we could wipe out all the historical and political relationships we have, it would be quite a different matter. We do not have any formal treaty that obligates us to do anything about Israel, unless it is through the United Nations. Under the United Nations Charter, we, together with the other members, do have a responsibility to try to deal with threats to the peace. I know that. But we and other peoples have lost confidence in the U.N.; therefore, we do not take it seriously. We have not taken it seriously with regard to Vietnam. We did not go to the United Nations when we started intervening there; we thought it was unimportant. It was only as an afterthought, after such people as Wayne Morse complained about it, that this country submitted the matter, in a very casual way, to the United Nations, and did not really press it.

There is no formal obligation to Israel. I would not consider, if we had no relationships of a cultural and sentimental kind with Israel, that the question of who controls Israel would involve a direct threat to the United States.

Mr. RIBICOFF. Is it of no concern to the distinguished Senator that the Soviet Union is now in a position of being the dominant power strategically in the Middle East? We must take into account the whole Mediterranean area including our NATO allies Greece, Turkey, France, and Italy. Then there is the Indian Ocean and the Red Sea to consider. Can you say all of these areas have no bearing on U.S. interests? That the obligations under NATO have no meaning, with the continual growth and power of Russia in the Middle East, that the Russians have sought for the last 200 years?

Mr. FULBRIGHT. I do not think the

Senator should be so absolute, in speaking of "no concern" and "no interests." These matters are not that absolute.

First, I question the Senator's assertion that Russia is the dominant power in that area. We still have very important bases and arrangements with both Greece and Turkey, as well as with all the countries of Western Europe. We have a fleet that is much more powerful than anything the Soviets have in the Mediterranean.

We have grown accustomed, ourselves, to believing that we have the sole right to be dominant in all oceans. I think the Russians certainly have succeeded in projecting the strength of their presence in the Mediterranean, but I certainly would not say they are dominant. Their strength at least approaches parity, we might say.

The changing character of warfare, in any case, has brought about a change in the concept of dominance. That, I think, is the basic assumption of the SALT talks: If progress is being made in the SALT talks as we are told it is, I believe it is because the Russians feel they have achieved some reasonable parity in their overall strength, especially with regard to nuclear weapons.

The Senator has raised some very far-reaching questions in speaking about dominance. I do not know that either country dominates these areas. The Soviets have great strength in the Middle East. There is a great deal more involved there, of course, than Israel.

But as to the Middle East as a whole, although the Senator appears to think the oil interests are so important, I do not think they are absolutely vital to the United States. We have alternate resources. The Middle East oil resources are much more vital, if that is the proper word, or more important, at least, to Western Europe than they are to us.

Mr. RIBICOFF. That is correct.

Mr. FULBRIGHT. Why is not Western Europe doing something about it?

Mr. RIBICOFF. I think Western Europe is not doing enough about any of these problems because their attitude is one of letting the United States assume the burden.

France, of course, used to be an arms supplier for Israel. They had an agreement with the Israelis to provide them with planes, and after having received payment for them, broke that agreement and established an arms embargo against Israel. I would guess the French did that because France sees an opportunity of improving her trade and influence in the Middle East while insuring her oil supplies.

England today does not have much of a role left to play in the Middle East. They assume that the United States will carry the burden. I would hope that France and England would take a more active, constructive role. In speaking of the four powers getting involved, in a settlement, I think the Israelis have just cause for concern. France and England are apparently willing to back the Arabs for their own narrow interests, and the Soviet Union is certainly backing the Egyptians all the way. With the United

States bending over backwards to be evenhanded, this must leave Israel with a very empty feeling.

This is of utmost concern, and that is why the Senator's suggestion of a treaty of guarantee for Israel has important meaning, if we are eventually going to bring a lasting peace to the Middle East.

I have read some critical comments about the Senator's speech from various sources. But this proposal of a treaty is the most important and valuable part of the Senator's presentation. I think it could be of vital significance and I would like to see the United States adopt a bilateral agreement such as the Senator has suggested. I recognize that there are many roads that we would have to travel before that could be reached. But it could be an important factor bearing upon any durable settlement, in the Middle East.

Mr. FULBRIGHT. It seems to me that a possibility that the Senator apparently excludes, which I think could be significant, is not that the countries of Western Europe—which I think we agree have a greater immediate interest in access to Middle East oil than we do—are not concerned about Israel, but rather that they have a different view of the Russians and of the threat of the Russians and communism than we do.

In all honesty, I think we have, for various reasons—some of them quite good reasons, especially in the days of Stalin—become almost obsessed with the threat of the Russians, or what used to be called, and still is by some people, "the international Communist conspiracy."

I do not mean to say there was no reason or basis for that in the old days. But I think the development of nuclear weapons and the means of their delivery, as well as a number of other things, have served to change both the Western Europeans' ideas and those of the Russians about warfare; and I think we have been slow to catch up to their, I believe, more reasonable views. I think that part of our trouble in Southeast Asia is attributable to this. It is at least possible that they view the threat differently and that they do not believe that Russia is trying to take over, to own, and prevent Western Europe's access to Middle East oil.

Many people do not perceive the rivalry between the Russians and ourselves in quite the same terms that we do. It is not for me to attribute motives to the French either one way or the other. The French are not new on the international scene. I cannot help think that they have an appreciation of their own interests, and I believe they have decided that their own interests demand a relaxation of those attitudes which have divided the world, that the French would like to see some adjustment, and would like to see some settlement of this matter in the Middle East. Perhaps they are critical of the suggestion. I am not aware of what others besides the local newspapers think about it.

In the final analysis, this suggestion is put forward as an effort to find a basis for an agreed settlement of this war which troubles everybody. It troubles the Western Europeans. I have no doubt that they are concerned about it.

De Gaulle also exhibited some interest

in trying to bring about better relations with Russia and Eastern Europe. We have usually resisted this idea, on the theory, as many people say, that "You cannot trust the Russians." I do not know how far they can be trusted in that sense. I trust them in this—that sooner or later they will recognize where their own interests lie. Their interests, I am convinced, are the same as ours in this connection and in other areas, and that is to stop the arms race and to stop the continued escalation of the attitude of belligerency that we have entertained for so long. Therefore, if they are not entirely devoid of reason—and I hope we are not either—perhaps some kind of accommodation can be brought about.

Mr. RIBICOFF. I wish I were as confident as the Senator. I wonder how he would interpret the presence of over 10,000 military personnel in Egypt today. There are more Soviet-piloted supersonic jets in Egypt than the entire total in the Israel air force. Does the Russian military presence in Egypt concern the Senator?

Mr. FULBRIGHT. I said a moment ago that I am not so Pollyanna-ish as to think that this is going to work out without any problem. It does concern everybody, because the Middle East situation focal point of the escalating confrontation between ourselves and the Russians.

I remind the Senator that the Russians have far fewer of their men under arms abroad than we have. I can name a dozen places; 10,000 men is a relatively small number. We have that many in Spain. Think of how many we have scattered in various countries in the Far East. How does the Senator interpret that? How does the rest of the world look upon our actions? Does the Senator believe that because we have 60,000 troops in Korea or 10,000 in Spain, we are trying to dominate the world?

Mr. RIBICOFF. I would say that we certainly intend to exercise influence in those specific areas where our own military personnel are located. There is no question in my mind that we are not there for altruistic reasons.

Mr. FULBRIGHT. I think that many of these are the outgrowth of former times, when the conditions, as I have said, warranted bases abroad more than they do now. I, along with a number of other Senators, have long advocated that we bring home some of those troops, both from Europe and from the Far East.

I think the Senator tends to ascribe to the Russians evil motives which we reject on our own part. I am not saying that we should take the Russians at face value. What we are doing here is trying to set down conditions that would provide an equitable basis for negotiations and give the parties involved some confidence that if they negotiate, we and the other nations will live up to our undertaking under the United Nations.

If a negotiated settlement cannot be agreed upon, and the Security Council cannot guarantee it without the approval of the Russians: If we have to assume that the Russians would never live up to their promises and that nobody else would either, then there is no

hope whatever for any negotiated settlement.

The meaning of that would be that there is no alternative to a settlement by arms. I am not willing to accept the theory that there is no possibility of anything but an all-out Armageddon. That is the alternative, it seems to me, to proposing some kind of negotiated settlement.

Mr. RIBICOFF. In the settlement that the chairman contemplates, does he envisage that the Russian military personnel and Soviet pilots would leave Egypt?

Mr. FULBRIGHT. I would certainly think that they would, eventually. I do not think they would do so before an agreement. It would depend upon the terms of the agreement.

Mr. RIBICOFF. If there were such an agreement.

Mr. FULBRIGHT. I do not know that we could demand that, any more than they could demand that we get out of Turkey and Greece. I would like very much to make an agreement with them that we both bring our troops home from all the places to which we have sent them as a result of the cold war, especially in the era of Stalin.

I think we all have to be a little more objective with regard to other countries. The assumption that we do all these things only for the welfare of all the world, and that we have no national interest different from that of others, and that we are good people and everybody else is suspect, is not a basis upon which to build confidence and trust, especially in the United Nations. If we are to make the United Nations work, if we are going to have any degree of collective security, we have to have some trust in other people.

Mr. RIBICOFF. The Senator is very experienced in these matters. Have not the Israelis shown flexibility, and a willingness to run grave risks by undertaking these talks, even in the face of the breaches of the cease-fire that have taken place?

Mr. FULBRIGHT. I hope they will show some flexibility, but I am not optimistic. Anything is possible. I often despair of the rationality of men all over the world as well as in our own country. But I always have to come back to the principle that it is completely defeatist to say that there is no hope other than for an all-out nuclear conflict. Therefore, I struggle to find alternatives.

I would say that if nothing is done, if the situation is left as it is, it is not promising for the Israelis or the Arabs, or for us or the Russians.

This proposal of mine is simply submitted as a suggestion. I would certainly welcome a better suggestion as to how to settle the Middle East war. I do not accept trial by arms as a good alternative. I think that the escalation of weaponry on each side can only end in disaster.

I am seeking an alternative to the present course of events. If this suggestion is not approved, if it is discarded and no better alternative is provided, we will be no worse off. The situation will remain as it is, which is to say, very

dangerous. I think all will agree that it is very dangerous. The Israelis, for the moment, occupy Arab territory. The Senator knows that we certainly publicly subscribe to the principle of the resolution of 1967, that the acquisition of territory by aggression is no longer acceptable international practice. We profess that. If we do not mean it, we just do not mean it. But I think it is a good principle.

I think that nothing can be lost by attempting to settle this problem by negotiations rather than by a trial of arms—in other words, by simply keeping on as we have in the past, with more and more arms on both sides. I do not have any great confidence that this will be accepted or that any other rational means will be accepted. I only hope that it will be. I think that it is worthy of discussion and that it may precipitate some better suggestion from the administration or from the Senator from Connecticut. If the Senator from Connecticut has a better suggestion, I welcome it.

Mr. RIBICOFF. I commend the Senator for trying to find a solution. To allow things to drift would be a tragedy.

Mr. FULBRIGHT. I think so, too.

Mr. RIBICOFF. Even though there are some points in his speech that I disagree with—I personally commend the Senator for taking the time and effort, and for drawing on his own sources of knowledge in attempting to come up with a possible solution.

I have one other question: I note that the United Nations Security Council resolution of November 22, 1967, states:

The right of every state in the area to live at peace within secure and recognized boundaries, free from contention or acts of force,

This to me contemplates some adjustments of the boundaries, yet the Senator in his speech talks about Israel's having to give up all the territories and moving back to exactly what the boundaries were before the 1967 war. I believe that almost all serious impartial observers have recognized there will have to be some adjustments of Israel's boundaries because some of them are not realistic and certainly not defensible. Just as one example, I remember traveling from Tel Aviv to Jerusalem and traveling in a steadily shrinking corridor in between. It seemed to me that this calls for a readjustment. Does the Senator contemplate that Israeli withdrawal would be to the exact borders as it had before the 1967 war?

Mr. FULBRIGHT. Well, I think this has been and is the principle of the 1967 resolution. The Secretary of State, I believe, used a phrase which I quote later in my speech, with allowance for—I think it is an "insubstantial alteration" for purposes of security—but this is certainly a most serious matter and we can engage in negotiations on it, but always in accordance with the principle that all of the subscribers to the 1967 resolution announced concerning withdrawal from territories acquired by war. I think that the security of other very sensitive areas, such as the Golan Heights, Sharm el Sheikh, and the Gaza Strip should be guaranteed at least for a reasonable time by United Nations' security forces. As

the Senator knows we have previously placed United Nations' security forces along the Egyptian-Israeli border for the purpose of providing security in those areas. It did not work very well. The Senator is aware of that.

Mr. RIBICOFF. What bothers me is that when Nasser told the United Nations forces to get out, they got out. How does the Senator contemplate that United Nations' security forces will cope with a future government order to leave its territory?

Mr. FULBRIGHT. If they negotiate a Security Council agreement, they should agree not to remove such forces. Many people believe that the action the Senator refers to should not have been taken without further consultation with the United Nations. But this is a matter which should be settled in the agreement and in the guarantee of the Security Council.

I agree with the Senator, in this sense, that it is difficult to solve these matters. My proposal will not work unless the Russians have changed their attitude to accord with what I have suggested and unless they want to make it work. If they do want to make it work and they can have influence, as we would be able to have influence, and as the other major powers, the other countries immediately concerned would, there is a fair chance that it would work.

I am well aware, as is the Senator from Connecticut, that any agreement can be breached, no matter how solemn. They have been in the past. But, again, we come back to the point: What do we suggest as an alternative? It seems to me that the only alternative is reliance solely upon arms. That is certainly a worse alternative and one which is even less likely to bring about a degree of peace than an agreement solemnly agreed upon and backed by the countries of the Security Council.

I will go further and state that I think it is their own self-interest, more than anything else, which might be brought into play here, in order to preserve the peace. I do not think it is in the interests of the Russians to continue the arms race—because of the possibility of a war with us—any more than it is in our own interest to do so.

If this reasoning is not true, then the whole thing is not worth anything. But if it is true, then there is an opportunity to focus it and to allow it to be expressed in an agreement such as I have in mind.

Mr. RIBICOFF. Does the Senator from Arkansas contemplate, when he talks about a United Nations security force, that this will be the beginning of a permanent peacekeeping force under the aegis of the United Nations? Does the Senator contemplate this as an opportunity for the United Nations to be a meaningful organization instead of just a debating society?

Mr. FULBRIGHT. I would hope so. One of the two main reasons for my speech, and one of the things that made me speak on it now, is the approaching 25th anniversary of the United Nations. The confidence of all nations, including our own, in the United Nations has gradually eroded. As the Senator has stated,

many people these days refer to it as a debating society. I believe the U.N. has the possibility, if we can ever make it work, of bringing some stability to this troubled world. What appeals to me particularly about this approach is, as I have stated, that the national interest of the Russians in this case has a greater degree of identity with our own than in any other major conflict that I can think of—far more than in Southeast Asia, or any place else that I can think of at the moment, other than such minor matters, relatively speaking, as the Austrian treaty on the Antarctic Treaty, in which the United Nations did play a role. But this is a much more important question and far more dangerous than either of those. I think that the interest of the Russians, whether they think so or not, is the question the Senator raises. But I think their interest is quite similar to ours over the long term. Therefore, it is my basic assumption that our two interests have come together, and that the Russians would be willing to enter into this agreement and to undertake a guarantee that leads me to believe in the possibility of creating an international police force, for example, capable of handling the Middle East situation.

We have had some earlier experiences in this—the Cyprus issue, and the previous ones in the Middle East. We had some degree of U.N. action in the Congo. There have been some small successes but they have, indeed, been small.

In this case, there is an opportunity for a large success. And success is possible if the Russians recognize or believe as I do, that it would be in their interest to bring about a settlement now that they have achieved a presence in the Mediterranean and in the Middle East. While I do not think their presence is a dominant one, or one that can exclude us, it is nevertheless, an important one. With all that as background, they may agree to action by the United Nations, if such an agreement is in their interest, as I believe the Senator will admit that it is.

So it would be of great importance to the future of the United Nations itself and it would be a great contribution to a revival of faith in the United Nations if it could be made to work. That would be no small matter to all the world—including ourselves. I think it would be a great thing if it could be done but it cannot be done without agreement of the permanent members of the Security Council, including, of course, the Russians.

Mr. RIBICOFF. Mr. President, in the Middle East, no matter what the Security Council or the United Nations does, if the United States and the Soviet Union do not really mean to have peace there will be no peace in the Middle East. The good faith of the United States and the Soviet Union are really an absolute condition to achieving peace in that part of the world.

Mr. FULBRIGHT. The Senator is right. I agree with that statement.

Mr. RIBICOFF. Mr. President, does the Senator from Arkansas feel that the United States wants a settlement in that part of the world so badly that it would

force the Israelis into a bad settlement?

Mr. FULBRIGHT. I would hope not. I certainly do not think so. I am bound to say that I think the administration in what it has said and in what it has done up to now has taken a wise approach to the problem.

I do not think they are so overly eager that they would abandon our interests, or the interests of the Israelis or that of so many people in our country who feel such a strong attachment to Israel.

Mr. RIBICOFF. I am interested in the Senator's interpretations of the U.S. reactions to the violations of the ceasefire by the Russians and Egyptians.

Mr. FULBRIGHT. The Americans have said that the evidence of those violations has been inconclusive.

As the Senator knows, I have no independent knowledge of what has taken place. I have known people who have a weakness for seeing these matters in the light of their own versions and apprehensions. I have no reason to doubt that our Government felt there was considerable doubt about whether there had been infractions and, if so, whether they were substantial infractions. I do not know any more than the Senator from Connecticut does. We read the same newspapers. I have no independent knowledge. But our Government, with the best technical facilities we have, has inspected the area by air.

I do not know whether they have any other intelligence; they may have. But the Senator knows that these allegations are not conclusive. There may be doubt as to whether the violations, if any, were substantial. That is all I know about it.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Arkansas be permitted to continue for 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. RIBICOFF. Mr. President, what troubles me particularly is the attitude of the Defense Department and the State Department concerning these violations.

I feel from reading articles in the newspapers by reporters whose judgment I respect as and, who are knowledgeable, and who treat facts with great integrity, and from the picture I have seen, that a large number of missiles were in fact put into place after the cease-fire.

What concerns me is the attitude of the United States in being angry with Israel for not swallowing these serious violations while walking so tenderly in its actions with the Russians and the Egyptians to try to rectify the breach of the cease-fire.

Mr. President, Al Friendly's article in the Washington Post of August 22 entitled "Scenario for Middle East," talks of "the fear in Israel that the United States wants a settlement so badly it will bludgeon Israel into a bad settlement."

Peter Grose wrote an article in the Sunday New York Times of August 23, entitled "Israelis Critical of U.S. Role on Missiles."

He stated:

The miniconflict with Washington may be a foretaste of the kind of "support" they can expect from their ally as the bargaining gets tough. With friends like this, as they say, who needs enemies?

The New York Times editorial of August 22, "Near-Disaster in Mideast" contends that "Washington has responded to Israel's legitimate protests in a less-than-creditable fashion" and "the critical failures, in intelligence," were American.

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

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

[From the Washington Post, Aug. 22, 1970]

#### SCENARIO FOR MIDDLE EAST

(By Alfred Friendly)

JERUSALEM.—As near as one can see it from here, the scenario of the end of the first act of the American Middle East peace initiative looks about like this:

Special mediator Gunnar Jarring will tell the Israelis that their official proposal this week, for the discussions to be held in a Mediterranean or European city and at the foreign minister level, is simply not the basis for a deal. However much he may himself like Israel's terms, the Arabs don't, and that's that. So it's New York and at the level of the permanent United Nations representatives, or nothing.

But, perhaps as soon as Sunday, the Israeli cabinet will decide, bitterly, to accept the terms and some time thereafter the talks will start.

Israel will accept because a majority in its government wants the peace discussions as much as the other parties at interest, the Arabs, the Soviets and the United States. Nasser's War of Attrition did not, to coin a verb, attrite it, but all the costs were escalating, in lives as well as money.

Facing the inevitable, then, why did the Israelis put themselves to such an anguished period for the last three weeks, refusing to give an official reply to Jarring, letting themselves in for the propaganda accusation that they were stalling, when they had already agreed in principle?

The answer is that in Israel's eyes the peace talks are a much less attractive proposition in the third week of August than they were in the first. Two broad sets of events soured the potion that William Rogers and Joseph Sisco had mixed—a potion not very tasty to Israel to begin with.

The first was the evidence—so it seemed to Golda Meir and her government—that the support they thought they had from the United States was dissipating.

The details of the two main elements leading to that view—the wording by which America relayed Israel's acceptance to Jarring and Washington's prolonged refusal to credit the charges of cease-fire violations—have been thrashed out so often and at such length in the last days as to need no repetition.

But in both episodes, Israel saw America's action, and then its non-action, as very bad omens for its future firmness when the going gets really rough, when the talks about settlement get down to cases. The fear here is that the United States wants a Middle East settlement so badly that it will bludgeon Israel into a bad settlement.

It should be added, though, that the game of America-loves-us, America-loves-us-not has probably been going on at two levels. The lower one, closely tied to internal political considerations and public attitudes in a democracy, was the visible one. At upper levels—Mrs. Meir to President Nixon, foreign minister to State Department, chief of staff to

Pentagon—it is pretty certain that American assurances were much stouter, more credible and comforting.

Therefore, what depresses the leadership in Israel more than the recent public slings and arrows from Washington is the utter absence of any signs of pacific intent from the U.A.R.

The recent utterings of Nasser, his foreign minister and his publicist have been blood-curdling.

Very well, it can be said, these are only speeches, "You have to make allowances for Arabs," Nasser was politically obliged to say what he did, and so forth.

But even at the most elementary, harmless level of human decency, that of prisoners of war, Egypt has put on the ugliest face, precisely counter to its most recent undertaking in the cease-fire agreement to "abide by the Geneva Convention" on POWs and to accept Red Cross intervention.

The second discouraging phenomenon is the Egyptian insistence that the peace talks be in New York, the last place for the quiet diplomacy that is required, and that the level be that of the permanent U.N. representatives. It is scarcely a great forward step to peace to bid Jarring talk to three people whom he could reach any day in the last two years by phone and who were always under obligation to deal with him.

Finally, the most discouraging and important phenomena of all were the violations of the cease-fire by advancing SAM-2 missiles into the standstill zone. It was hardly the act of a country whose principal aim is to make a peace settlement.

[From the New York Times, Aug. 23, 1970]

#### MIDEAST 1: ISRAELIS CRITICAL OF U.S. ROLE ON MISSILES

(By Peter Grose)

TEL AVIV.—The game diplomats play got a little rough last week between Israel and the United States. Each capital played according to rules determined by its own national interests in the Arab-Israeli confrontation, and since the immediate interests diverged, so did the rules of the game.

Yet this "crisis of confidence" between Israel and the United States was probably only a pale shadow of what can be expected in the weeks ahead when fragile peace negotiations begin in earnest. That is what worries the Israelis: The miniconflict with Washington may be a foretaste of the kind of "support" they can expect from their ally as the bargaining gets tough. With friends like this, as they say, who needs enemies?

The immediate point at issue centered in the realm of sophisticated intelligence gathering. Israel's public charges of an Egyptian and Soviet buildup of missile air defenses in violation of the Aug. 7 cease-fire agreement were initially greeted by official silence, and private annoyance, in the United States.

#### THE U.S. STAKE

Israeli diplomats understood the reasons for American reticence—the complaints of violation could serve to undermine the entire American diplomatic initiative aimed at starting talks between Israel and the Arab states. At the very least, the Israeli Intelligence reports cast grave doubts on the sincerity of the United Arab Republic in entering upon a cease-fire and standstill agreement and the parallel peace-making effort, in which the Nixon Administration had such a heavy investment.

What really rankled here were the reported innuendos from Washington that Israel was inflating, perhaps even falsifying, the evidence, either to undermine the negotiating process or to pry out of Washington more jet fighter-bombers and other war materiel.

#### "TOO MUCH"

"This is really too much," snapped the generally restrained Abba Eban, Israel's For-

sign Minister. "On the one hand our adversaries endanger our security, on the other our friends impugn our accuracy and sincerity."

Of course, Washington's own intelligence could not confirm that there was movement, Israeli officers said, since there had been no American reconnaissance before the cease-fire, and therefore no confirmed starting position by which the American analysts could measure any subsequent changes by their own means.

Vague statements from both Washington and Jerusalem later in the week were cranked out to remove the sting from the unseemly public quarrel. But the underlying problems remained.

First, even the United States reluctantly conceded that there had been "a forward deployment of missiles by the Egyptians around the time the cease-fire went into effect."

"This is something the Egyptians and their Russian friends have been unable to do for the past year," said a senior Israeli staff officer. He produced photographs which he said showed missile batteries in place considerably closer to the Suez Canal than before the truce was declared, when the closest deployment, he said, was 20 miles from the waterway. From the new sites, Israeli officers said, the air defense missiles could challenge Israeli flights directly over the canal and, in some places, as much as 12 miles inside the Sinai.

This is significant for the future defense of Israeli positions on the Sinai banks, for without air superiority over the canal, the Israelis would be hard-pressed to prevent an amphibious crossing by Egyptian units and the establishment of a bridgehead on the Sinai.

#### POLITICAL MESSAGE

The new situation is "not catastrophic," the staff officer said, "but it is very serious." In any case, over three months of daily bombardment by the Israeli air force had been specifically designed to prevent this forward deployment of the missile batteries. In one week of truce, the whole effort was negated.

This alone was enough to shake some of the anticipation that something good could come from the diplomatic effort. But there was also a political message to the nervous Israelis.

Premier Golda Meir led her country into the diplomatic process—breaking up her coalition government on the way—only on the basis of assurances from President Nixon that the United States would not take any position to undercut Israel's military stance or negotiating strategy. Yet at the first sign of trouble, as Foreign Ministry officials analyzed the United States position, Washington turned its back on Israel. The flashpoint issue with all the imprecision and ambiguities in photo and electronic reconnaissance, was less significant to the Israelis than the impatient American reaction to it.

#### PROPOSALS SUBMITTED

Israel's negotiating position may still be intact—that remains to be seen when the position is unveiled. The Nixon Administration may still make good on its oft-repeated promise that should fighting resume Israel would not find herself weaker for having attempted the truce. Israel last week submitted her formal procedural suggestions to the United Nations envoy, Gunnar V. Jarring of Sweden, and prepared to meet the Arabs—indirectly, according to the American formula.

But the seed of distrust in the American commitment is well planted, and it is worrisome to Israelis to realize that it will have ample ground to flourish in the coming weeks and months of negotiation.

[From the New York Times, Aug. 22, 1970]

#### NEAR-DISASTER IN MIDEAST

Despite a near-tragedy of errors that almost derailed the most hopeful Mideast

peace effort since the 1967 war, it now appears that the cease-fire will hold and that talks will open soon—the overriding consideration.

But, two weeks after the fighting along the Suez halted, it is evident that Egypt has achieved an important military advantage and that Washington has responded to Israel's legitimate protests in a less-than-creditible fashion. Not one of the parties has covered itself with glory. But the performance of the United States, in the first test of its crucial role as guarantor of the military balance, raises serious questions about its ability to bring to fruition the imaginative initiatives it set in motion.

In private assurances and in a news conference statement July 31, President Nixon told Israel it could agree to the standstill cease-fire "without fear" that it would "run the risk of having a military build-up occur" on the Egyptian side of the Suez Canal.

This pledge was based, in part, on American warnings to Moscow and Cairo that it would regard gravely the movement, under cover of the truce, of Soviet-built antiaircraft missiles to sites so close to the canal that they could be used to shield Egyptian cross-canal invaders from counterattack by Israeli planes. Some Soviet assurance came back that no such movement would be made if both sides accepted the American proposal for talks and a ninety-day standstill.

Prior to the cease-fire, 72 consecutive days of intensive Israeli air bombardment—culminating in the dropping of 1,200 bombs on Aug. 7, the last day of hostilities—had thwarted all Egyptian efforts to move SAM-2 batteries into the critical zone eighteen miles or closer to the canal.

Today twelve to fifteen Egyptian-manned SAM-2 batteries are sited in that zone. Most of these highly mobile missiles are believed to have been moved in during the night of Aug. 7-8, after which the cease-fire made them immune to Israeli attack. Whether they arrived before or after the midnight deadline, it is plain that the work of installing them and fortifying the sites continued—in violation of the standstill—in the following days.

American and Israeli intelligence failures both contributed to the ensuing contretemps, but the critical failures were American. Strangely, neither country took any aerial photographs of the cease-fire zone on Aug. 8. More important, no American U-2 photos had been taken on the eve of the cease-fire, thus ruling out any clear basis of comparison with post-truce photos.

Despite warnings from experts weeks ahead that proof of violations would be difficult, Washington gave Israel firm assurances about enforcing the truce. Israel, recognizing the risk, pressed for the cease-fire to take effect in daylight hours on Aug. 7. But midnight was agreed to, under American pressure.

When the Egyptian build-up was detected two days later, Washington first expressed doubt that a cease-fire violation had occurred then implied that the Israelis were trying to block negotiations and finally stated on the record that "some evidence" of violations existed but that it was not conclusive.

Meanwhile, conceding privately that Egypt had taken serious military advantage of the cease-fire, Washington is shipping Israel air-ground missiles and other antimissile site weapons and electronics similar to those the United States has used effectively against SAM-2 sites in North Vietnam. What is not clear at this point is whether any effort is being made to hold Cairo or Moscow to their pledges before the cease-fire.

Israel understandably now fears American "peace at any price" tactics when substantive issues come up in negotiations with the Arabs. A settlement is vital. But a return to the pre-1967 conditions that brought war would be disastrous. The fumbles of recent

days suggest that such a disaster—or failure in the negotiations—could eventuate unless all parties to the truce strictly adhere to the cease-fire commitment.

MR. RIBICOFF. Mr. President, I take this opportunity to thank the Senator from Arkansas for addressing himself to a very grave and important problem.

I do feel—while disagreeing with much that he has had to say by way of background in his speech—that if we could bring about a durable peace in the Mideast under the auspices and the aegis of the United Nations, and with a commitment by both the United States and Russia to achieve peace, from this start we might make a beginning toward the solution of some of the other problems of the world.

To that extent, I commend the Senator for opening up this subject for discussion.

I would hope that the Senator's proposal for a bilateral treaty is given serious consideration.

MR. FULBRIGHT. Mr. President, I thank the Senator very much. I know that he follows this matter far more closely than I do. And I am sure that he is far more knowledgeable about the whole background than I am. However, as I said in the beginning, I have not previously made any major statements on this subject. I have been to the Middle East to look at the situation. It seemed like an insoluble situation. Until very recently I never felt that there was reason to believe that the Russians would cooperate in any such venture.

I have already mentioned that there are a number of other developments outside of the Mideast that have lead me to believe that maybe the Russians have at long last seen that this continued rivalry, including a very dangerous undertaking in military adventurism, is no longer wise policy in view of the development of the missiles and other weapons. I believe there recently has been some change in their attitude and in our own.

I think that we have sufficiently recognized the gravity situation in Southeast Asia and, in addition, many people have come to the view that the situation in the Middle East with respect to us and the Russians is unacceptable. That made me believe that it is at long last timely to recognize the United Nations and to see if it could not be brought into play.

To me it was always the best hope as an institution to bring about some order and some respect for other people's rights and for the principle of negotiation and peaceful settlement. These principles, of course, are the basis of the charter, and particularly for that part relating to the Security Council which has a responsibility in this matter.

All of this coming together, I felt that it was timely to explore the matter. This is why I have made the speech. I have never professed to be a great expert on the Mideast or any other area, for that matter. After all, I represent Arkansas. But as chairman of the Committee on Foreign Relations, I felt that it would be appropriate to express my views. There they are, and if there is nothing to them, so be it. But if there is anything that inspires any people in the Government

to take seriously these proposals, I hope it would be very useful.

Above all I do hope that the United Nations can be made an effective instrumentality, as I said 25 years ago. I was here at the time. I remember very well at the time thinking that maybe at long last we had come to our senses and would try to find a means of keeping peace other than through a balance of power, which, although many people say is it realistic, has resulted from time to time in very grave destruction of the accumulated wealth, accumulated good will, and moral fiber of various countries. It has been a great disaster.

I never thought that was very realistic. We are looking for a substitute for it. I do not minimize from my own point of view the significance of bringing the United Nations into this.

It was all of this coming together that prompted me to make a speech. The Senator knows that I do not usually make speeches on many of these subjects—and I hope he agrees—with some reason and some justifications. I hope that people do not think that this is not a serious speech. It was intended to be serious, regardless of whether it turns out to be effective and successful.

I hope that it will be taken seriously and that something can be done to revive our confidence in the United Nations.

I thank the Senator very much for this colloquy.

As survivors of genocide, they can hardly be expected to distinguish with perfect clarity between Nazi crimes and Arab rhetoric. All they know is that they came to Palestine in peace, settlers in an underpopulated land, but have been allowed no peace; they have fought three wars they never wished to fight and still their enemies remain implacable, refusing even to talk to them, contesting—until recently—their right to survive as a state. Nonetheless, the Arab-Nazi analogy is a faulty one; it clouds the distinction between the myth and reality of Arab intent—whatever these may be.

The Arabs, for their part, perceive Zionism as a new form of western imperialism. Having lived on the land of Palestine for thousands of years, they can have little sympathy for the historic sentiments of the Jewish diaspora. It is, I should think, impossible for them to put themselves in the place of the Jews, whose cultural attachment to their ancient homeland sustained them through centuries of dispersal and persecution. The Arabs are on a different wavelength: while the Jews prayed for Palestine—"next year in Jerusalem," they said in their prayer—the Arabs inhabited the land. They could not see the Jews as the Jews saw themselves: as refugees from genocide seeking safe haven. What did this have to do with the Arabs? They had done the Jews no harm and could see no reason why they should compensate the Jews for the crimes of Europeans. In fact, to Arab eyes, the Jews were Europeans, armed with European skills and technology, coming on the heels of other Europeans to drive them from their homes and steal away their lands.

In its way Zionism has seemed to the Arabs even more threatening than the old European imperialism. The British and French after all were only establishing colonies and, bad as that was, colonies come and go. But the Jews were establishing a homeland, and homelands do not come and go. On the contrary, once established, they are likely to expand. The Jewish state actively encourages immigration from all over the world, creating for Arabs the specter of a Jewish drive for *lebensraum*, which could only mean the annexation of even more Arab lands. Some elements within Israel and the world Zionist movement openly proclaim the need of a policy of expansion, which must give rise to a fear among Arabs not unlike that felt by the Jews when the Arabs talk of throwing them into the sea. To the Arabs, in short, Zionism is not a program of deliverance for a persecuted race but a foreign conquest bolstered by strong ties between the conquering people and the most powerful governments of the West.

As if the Arab-Israeli problem were not enough, the great powers have made their own special contribution to the mythology of the Middle East by infusing the crisis with the hocus pocus of geopolitics. The Middle East, in geopolitical terms, is something far more abstract than an oil-rich desert contested by feuding Semitic peoples. Beyond that, it is the "gateway to the East," the "hinge of NATO," and the crucial cockpit of the historic Russian drive toward warm water. By sending planes and missiles to Egypt the Russians are not merely bolstering a shaky client; to the X-ray eye of the geopolitician, they are embarked upon a drive to convert the Mediterranean into a Soviet lake. The concept is admittedly vague: would the Russians close the Mediterranean to foreign shipping? Prohibit fishing? Use it as a vacation resort? No one really knows what a Russian *mare nostrum* would be like, but the concept serves the purpose of its users: It scares people; it imputes the "vital interests" of the great powers to a regional conflict, converting it into a battleground of the cold war. In this frame of reference one even suspects the Russians of an insidious design in wishing to reopen the Suez Canal—something which used to be considered a good thing, before the geopoliticians came along.

The vital interests of the great powers are, in fact, involved in the Middle East—primarily because those powers have chosen to become involved. The ultimate danger is that the Arab-Israeli conflict could draw the superpowers and the world into a nuclear war—and that certainly is a matter of vital interest—but the danger is not inherent in the local situation, nor is it predestined by fate. It has come about because the great powers have surrendered much of their own freedom of action to the bellicose whims of their respective clients. There is of course one way—in case anyone still cares—in which the great powers are obligated to intervene: as members of the United Nations Security Council charged by the Charter with the responsibility to "decide what measures shall be taken" in response to a "threat to the peace, breach of the peace or act of aggression."

Instead, the Soviet Union and the United States have played the role of cobelligerents to their respective clients, arming and financing them, committing their own prestige to the issue and, in so doing, converting a local conflict into a potential world conflict. All that can be said in mitigation is that both great powers have shown a certain prudence by holding back at times on the arms supplied to the warring parties.

Finally there is the myth of militarism, and that affects all of the parties. Each clings to the notion that another round may settle things—although three wars have settled nothing—or that some new weapons system will stabilize the balance of power—as if either side would accept the other's notion of what it takes to establish a proper balance.

Since the June war of 1967 the Egyptians have acquired vast arsenals of Soviet weapons, including air support and advanced ground-to-air missiles, and they have launched a "war of attrition." What has it gotten them? The Israelis have been compelled to stop their deep penetration air raids but they still hold the Sinai; until the cease fire they were bombing Egyptian installations on the west bank of the Canal around the clock; and they have every prospect of acquiring additional Phantom and Skyhawk jets from the United States so as to re-establish their version of the balance of power. Nor has any of this new Egyptian hardware wrung any political concessions from the Israelis: Prime Minister Meir explicitly rejects the borders of 1967 and, instead of offering concessions, Foreign Minister Eban contributes pithy ironies about recognizing the right of the United Arab Republic to exist.\*

The Israelis, for their part, have hardly profited from their military successes. They have gained territory and they have established their military superiority, but they have failed to gain what they most want: security. In 1967 they felt desperately insecure along the Gaza Strip frontier; today they feel desperately insecure along the Suez Canal, so much so that they and their friends abroad seem almost to have forgotten that it is not their own but Egyptian territory that they are defending so tenaciously. One begins to understand the spheres-of-influence psychology, which causes a nation to believe that it can have no security at all until it has robbed its neighbors of all semblance of security.

Surrounded by hostile neighbors, holding down occupied lands inhabited by a million Arabs, plagued by fedayeen attacks and oppressed by the costs of armaments, Israel is a desperately insecure nation. That is clear, but it is anything but clear that her present policy of relying on military superiority is ever going to alter the situation. If the Suez frontier does not provide security, what boundary would? And even if the United States provides all the Phantom jets the Israelis want and the electronic jamming

\* Interview on "The Advocates," a public television network presentation of KCET, Los Angeles, and WGBH, Boston, June 21, 1970, "The Middle East: Where Do We Go From Here? Part II: The Case for U.S. Support for Israel."

gear which may neutralize the SAM-2 and SAM-3 missiles, it is unlikely that Israel will gain more than a respite; the Russians will soon enough come up with something else.

After the First World War the French tried to gain security in somewhat the same way that Israel seeks it today. They, too, were confronted with a potentially powerful but momentarily weakened antagonist and they tried to perpetuate that situation by occupying the German Rhineland, temporarily detaching the Saar, and compelling Germany to pay reparations. The effort to make France secure by keeping Germany weak was a failure. Now, 25 years after the Second World War, France has nothing to fear from Germany although Germany is strong and in possession of all of the western territories France once wished to detach. France is secure now not because Germany has lost the power to threaten her but because she has lost the wish to do so.

The analogy is imperfect and simplified but it holds: Israel will be secure when and if the Arabs lose the wish to threaten her. Eliminating that wish should be an object worth pursuing from Israel's point of view. As victors the Israelis are in a position to be magnanimous without being suspected of weakness—which is something nations worry about whenever they are thinking about behaving sensibly. But thus far they have shown little inclination to trade their conquests for peace. Instead, they cling to the advantages won by their military victory of 1967, which is a rapidly wasting asset. One insecure frontier has been traded for another and all that the future seems to hold is continuing conflict, as threatening to the outside world as it is to the Arabs and Israelis.

Because the conflict is a threat to the outside world, it cannot be left solely to the humors of the belligerents. I have never fully understood why some of our statesmen feel that it would be a heinous crime for external parties to impose a solution. Under the United Nations Charter the Security Council has full authority—possibly even the obligation—to impose a settlement upon warring parties who fail to make peace on their own. The very premise of the charter is that warring nations can no longer be permitted immunity from a world police power. As far as the United States is concerned, it is worth recalling now and then that the United Nations Charter is a valid and binding obligation upon us, ratified as a treaty with the advice and consent of the Senate. As to the Arabs and Israelis, they too are signatories of the charter and no one can say they have been denied a fair opportunity to settle their differences peacefully and on their own. They might now be reminded of their commitment under article 25 of the charter, which states that—

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

I think it would be a fine thing—a useful step forward for civilization—if, in the absence of a voluntary settlement by

the parties, the United Nations were to impose a peaceful settlement in the Middle East. It would be an equally fine thing if the United Nations could impose a settlement in Southeast Asia.

#### II. PERSPECTIVES

There are four major perspectives on the Middle East conflict and need of a fifth. The needed one, as I have suggested, is that of the world community through its duly constituted organ, the United Nations. The development of such a perspective and its translation into action will require changes and adjustments in the long frozen perspectives of Arabs and Israelis, Russians, and Americans. There are at present some hopeful signs of possible change, brought forth by Secretary Roger's constructive initiative. In this slightly improved atmosphere it may be well to review the prevailing perspectives of those involved in the Middle East, with a view to detecting misconceptions, desirable directions of change, and opportunities for future agreement.

Starting with Israel, it is less than adequate to say that Israel is concerned with her survival. Surrounded and outnumbered by seemingly implacable foes, the Israelis are obsessed—as anyone else in their position would be—with the fear of being destroyed. This fear is based on salient facts but it is reinforced by fear itself, and by a 2,000 years' history which planted the fear of extermination deeply in Jewish minds. The result, I suspect, is a tendency on the part of the Israelis to exaggerate their own vulnerability, to credit their adversaries with more relentless hostility than in fact they may harbor, and to dismiss tentative gestures of conciliation as hypocritical tricks.

It is noteworthy, in this connection, that, when President Nasser responded favorably to Secretary Rogers' peace proposal, the initial reaction of the Israelis and of some Americans was that Nasser was setting a trap in which Israel would be forced either to stop bombing the west bank of the Suez Canal or risk alienating the United States. Quite possibly that was President Nasser's motive—no outsider really knows—but how can there ever be progress toward peace if neither side is ever willing to take the other's word for anything, if each insists upon crediting the other with the most fraudulent and devious possible motives, and if each bases its policy on its own suspicions rather than the other's behavior? Would Israel, and Israel's friends in the United States, have liked it better if President Nasser had rejected the American proposal? Would they have thought better of him for it? Would they have commended him for candor and courage?

Chronic suspicion is ultimately unrewarding; it is the kind of outlook which causes myths to displace realities in the minds of statesmen who pride themselves on realism and hardheadedness. It has distorted American perceptions of China and the Soviet Union, and it has distorted the Israeli view of Arab intentions and capacities. When suspicion governs policy, it becomes impossible for adversaries to communicate or negotiate because neither side is receptive to even the bare possibility that the

other may be telling the truth when he makes a conciliatory gesture, or that he may be amenable to compromise.

The Israeli conviction of Arab hostility is by no means invention, but there is a touch of paranoia about it—just as there is in our own attitude toward communism—and the worst of it is that the prophecy is self-fulfilling. It is a truism of modern psychology that we influence the behavior of others by our own expectations of how they are going to behave. The critical question for Israel is whether it is willing to risk taking the Arabs at their word when they offer to live in peace—as they have done in effect by accepting the Security Council resolution of November 1967—and, in taking this risk, helping to influence Arab behavior in the direction of compromise and peace. This is not to say that Israel can or should gamble her survival on the hope of Arab good will; Israel has the unchallengeable right to survive as a state and, as I shall indicate later, I would be willing to support a significant new commitment by the United States to assure Israel's survival. Nonetheless, I think it is incumbent upon Israel at this juncture to credit President Nasser with good faith when he says that he is willing to live in peace. A change in Israeli expectations might well bring about a change in Egyptian behavior.

A promising opportunity to do that was lost last spring when the Israeli Government refused to authorize the president of the World Jewish Congress, Dr. Nahum Goldmann, to hold talks in Cairo with President Nasser. The "torpedoing" of the Goldmann mission was surprising as well as unfortunate because, as the New York Times pointed out at the time, a meeting between a veteran Zionist leader and the Egyptian President would have represented a "significant breakthrough toward the direct contacts on which the Israel Government has always insisted."<sup>a</sup>

In Dr. Goldmann's view the Zionist movement has suffered since its inception from a failure to grasp Arab psychology. Instead of seeking to minimize the injustices done the Arabs by the establishment of the Jewish homeland in Palestine, Israel, writes Dr. Goldmann, "counted on military force or the intervention of foreign powers to attain its goals." As a result, he continues, Israel "has ceased to project the image of a small country threatened with destruction" and has become "an occupying power," which "exercises control over peoples who reject it and whom it has subjected." The result of Israeli policy since the Six Days' War of 1967, in Dr. Goldmann's view, is a dangerous impasse which does not work to Israel's advantage, because time is not on Israel's side. Israel's present advantage, Dr. Goldmann points out, derives from the virtues, character and technological ability of its citizens, but the Arabs too have demonstrated energy and talent in the past and they greatly outnumber the Israelis. "No one," writes Dr. Goldmann, "can predict how long it will take them to catch up with Israel technologically,

<sup>a</sup> "Sorry Wrong Number," editorial in *The New York Times*, April 10, 1970.

especially in the field of weaponry. But sooner or later the balance of power will shift in their favor." Maintenance of the status quo, Dr. Goldmann concludes, "will lead to new wars, new Arab defeats and growing hatred of the Israelis"—a situation which "could have disastrous consequences for the Jewish State in the long run."<sup>4</sup>

I recently had a conversation with a prominent Israeli journalist who had played a leading role in the struggle against British rule before 1948. Concerned that Israel has become a garrison state, he expressed fear for his country's survival as a democratic society. I said that I had the same fear for America, because we too have been chronically at war for over two decades. We agreed that both Israel and the United States would do well to recall Alexis de Tocqueville's warning of a century and a half ago:

All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science.<sup>5</sup>

This Israeli journalist concluded by expressing the hope that Americans of moderate persuasion would speak out on the Middle East. If they did, he thought, Israeli moderates too would be encouraged to speak in favor of a policy of conciliation.

Israeli policy since the 6-day war has been characterized by a lack of flexibility and foresight. The establishment of Israeli settlements on the occupied west bank of the Jordan River and in the Sinai, as well as on the Golan Heights, can only be interpreted as steps toward foreclosing the return of these territories to their previous Arab owners. The insistence upon the nonnegotiability of the status of Jerusalem and upon the retention of certain other occupied territories—notably the Golan Heights, the Gaza Strip and Sharm el Sheikh—lends unfortunate credence to President Nasser's pessimistic assertion, in accepting Secretary Rogers' peace proposal, that, "While we inform the United States that we have accepted its proposals, we also tell them that our real belief is that whatever is taken by force cannot be returned except by force."<sup>6</sup>

Equally distressing—although not entirely unprovoked—is the Israeli view of the United Nations as what Mr. Eban calls a packed court whose recommendations may be ignored. The insistence upon the nonnegotiability of Israeli's annexation of Arab East Jerusalem is in open contempt of the United Nations General Assembly, which censured that unilateral act by a vote of 99 to 0.

I speak critically of Israeli policy in part because of my belief that Israel, as the momentary victor, has both an obligation and an interest in a policy of magnanimity. The obligation arises from

general considerations of world peace and from the specific injustice which has been done to the Palestinian Arabs, who, as Arnold Toynbee has written, "have been made to pay for the genocide of Jews in Europe which was committed by Germans, not by Arabs."<sup>7</sup> Israel's self-interest in magnanimity is a matter of the only kind of security which really is security. In the words of a member of the law faculty of Hebrew University:

A border is secure when those living on the other side do not have sufficient motivation to infringe on it . . . We have to remind ourselves that the roots of security are in the minds of men . . .<sup>8</sup>

The Arabs, too, must face up to certain realities: that Israel has come to stay; that it is demagogic nonsense to talk—as some of the Palestinian guerrillas still do—of driving the Jews into the sea; that in any case the Arab States can have no realistic hope of doing that because they themselves cannot defeat Israel, the Russians are not likely to do it for them, and the United States would almost certainly intervene to save Israel from destruction. Once these facts are recognized—as in large measure they have been recognized by the governments of Egypt and Jordan—the Arab countries will be able to free themselves from their morbid preoccupation with past defeats, from futile dreams of revenge, and from the oppressive burden of armaments which slows their development and makes them dependent upon foreign powers.

While Egypt and Jordan are still widely credited with the desire to destroy Israel, both in fact have repudiated any such ambition and have done so explicitly and repeatedly. They did it in the first instance by accepting the United Nations Resolution of November 22, 1967, which required them to give up positions to which they had held tenaciously for 20 years. By accepting that resolution, Egypt and Jordan committed themselves to terminate their belligerency against Israel; to acknowledge Israel's sovereignty, territorial integrity and right to live in peace within secure and recognized boundaries; and to respect Israel's right to freedom of navigation through the Suez Canal and the Strait of Tiran.

Having accepted these provisions of the resolution—which in fact meet all of Israel's stated and legitimate aspirations—the Egyptians and Jordanians now emphasize the other provisions of the resolution of 1967: the withdrawal of Israel from occupied territories; a just settlement of the refugee problem; and the inadmissibility of the acquisition of territory by war.

The last is a general principle which goes beyond the special interest of the Arab States. Its vindication—even in one instance—would represent a long step forward toward the establishment of the rule of law in international relations. That would serve everybody's interests—

<sup>4</sup> Nahum Goldmann, "Israel and the Arabs—an 'Unrepresentative' View," *Le Monde*, Weekly Selection, May 27, 1970, p. 4.

<sup>5</sup> Alexis de Tocqueville, *Democracy in America* (New York: Harper and Row, Publishers, 1966), vol. II, ch. 22, p. 625.

<sup>6</sup> "Nasser Accepts U.S. Plan, but Asks Aid to Israel End," *The New York Times*, July 24, 1970, p. 1.

everybody, that is, who wishes to survive the nuclear age and who still has some hope that the United Nations can be developed into an effective peacekeeping organization. It is natural enough for Israel to resist the honor of being the first modern military victor to be obliged to abide by the principles and specifications of the United Nations Charter, especially when the great powers who dominate the Security Council have set such a wretched example. Be that as it may, the principle involved is too important to be cast away because of the hypocrisy or self-interest of its proponents.

Returning to the Arab perspective, I think there has been insufficient recognition of the distance the Egyptian and Jordanian governments have come toward accommodating themselves to some form of coexistence with Israel. President Nasser and King Hussein have repudiated the contention that they will be satisfied with nothing less than "driving Israel into the sea" not only by subscribing to the Security Council's resolution of November 1967 but through repeated and explicit public statements. Speaking in Washington last year, for example, King Hussein reiterated his own and President Nasser's willingness to abide by each of the provisions of the 1967 resolution and then added:

In return for these considerations, our sole demand upon Israel is the withdrawal of its armed forces from all territories occupied in the June 1967 war, and the implementation of all the other provisions of the Security Council resolution.<sup>9</sup>

To take another example: in an American television interview on June 14, 1970, President Nasser stated unequivocally his willingness to accept the boundaries of Israel as they existed before the 1967 war as final boundaries. Asked whether Egypt would promise that its territory would not be used for attacks on Israel once the Israelis withdrew from the occupied territories, President Nasser replied—several times—"Yes."<sup>10</sup>

Unless one is prepared to contend—and back the proposition—that President Nasser and King Hussein are simply not telling the truth, it seems to me irresponsible to continue accusing either Egypt or Jordan of a policy aimed at "driving Israel into the sea." Even the President of the World Jewish Congress has recognized the extent of the change in Egyptian and Jordanian policy. Dr. Goldmann states it is his impression that not only King Hussein but President Nasser would be happy to conclude an agreement, if not a formal peace, with Israel. President Nasser, he notes, uses expressions which would not have been possible a few years ago.<sup>11</sup>

Withdrawal from the occupied territories is one of two concerns which dominate the Arab perspective; the other is the question of the Palestinian refugees. Whatever the political considerations which have led Israel to evade responsibility and the Arab States to exploit

<sup>7</sup> Speech to the National Press Club, Washington, D.C., April 10, 1969.

<sup>8</sup> "The Advocates," June 14, 1970.

<sup>9</sup> Nahum Goldmann, "Israel and the Arabs—an 'Unrepresentative' View," *Le Monde*, weekly selection, May 27, 1970, p. 4.

their plight, the unhappy Palestinian refugees remain preoccupied with the indisputable facts that, after 20 years in exile, they are not permitted to return to their homes and they have been denied compensation for their lost properties. Although, according to United Nations estimates, some 60 percent of the refugees have found new homes and jobs, many thousands—made up mostly of the elderly, the very poor, the sick and the least educated—are still interned in miserable camps, living hopeless lives as wards of the United Nations. Since the 1967 war approximately half of the 2 1/2 million Palestinian Arabs have been living under Israeli occupation. Despite annual United Nations resolutions recognizing their right to choose between returning to their homes and resettling elsewhere with compensation for lost properties, the refugees remain neglected and embittered pawns in the continuing Middle East conflict, the original 750,000 refugees of 1948 having increased to over a million. In the words of the Friends' Working Party:

The Arabs of Palestine see themselves as a people in diaspora, just at the time when the Jews have won their struggle for a national home.<sup>12</sup>

Since the June war of 1967 the Palestinians have emerged as active participants in the Middle East conflict. The largest of the guerrilla organizations, Al Fatah, demands the dissolution of the present state of Israel and the creation of a secular multireligious state. They reject partition but they also deny any wish to "throw the Jews into the sea." Other Palestinian Arabs, more moderate, more realistic and—prudently, under present circumstances—more silent, acknowledge that Israel is here to stay and say that they are prepared to make peace—provided that Israel withdraws from the territories occupied in 1967.

The status of the Palestinians and the question of the occupied territories are the critical issues for peace in the Middle East. The two issues are closely related because many Palestinian Arabs are haunted by the fear that there are no bounds to Israel's territorial aspirations—a fear which feeds upon classic Zionist ideology as well as upon the declarations of military-minded Israelis who press the claim for "strategic" frontiers. A declaration by the Israeli Government of willingness to restore all of the occupied territories as part of a general peace settlement would go far to alleviate Arab fears of Zionist expansionism. Such a statement would meet the Egyptian-Jordanian condition for peace and would also improve the chances for a settlement in Palestine.

In the Arab perspective the central issues are the occupied territories and the Palestinians. In the Israeli perspective the issue is the survival and security of the Jewish state. The United Nations Resolution of 1967 recognizes the legitimacy of both parties' concerns. The question now is whether the two sides, and their great power mentors, are ready to proceed through the renewed mediation of Dr. Jarring toward the transla-

tion of general principles into specific agreements.

More perhaps than either would care to acknowledge, the two superpowers have played similar roles in the Middle East, both characterized by a certain ambivalence. On the one hand, they have played the traditional great power role, arming their respective clients, committing their own prestige, building spheres of influence, fretting over geopolitical abstractions—all serving to elevate a regional crisis into a global one. On the other hand, both the Soviet Union and the United States have shown an appreciation of the dangers in the Middle East, and that appreciation has caused them to restrain the two sides at critical moments and to encourage some form of accommodation. In recent weeks both great powers have shown a commendable sense of responsibility; as a result of their mediation, the prospects for a compromise settlement have improved. Particular credit is due Secretary Rogers for the cease-fire and the renewal of Dr. Jarring's mediation.

The conflict of course is far from over and the chances of a settlement arising out of the new Jarring mission have to be rated less than even. The great powers, accordingly, still must determine the kind of role they are to play in the Middle East, whether they are to revert to power politics or undertake to advance and enforce a compromise peace through the United Nations. Heretofore the superpowers have vacillated between the temptation to turn the Middle East into a cold war battleground and a caution induced by the well-founded fear of an uncontrollable conflict. The outcome in the Middle East will be determined as much by the great powers' conception of their own interests and of their own proper roles as by the attitudes of the Arabs and Israelis.

Like their tsarist predecessors, the Soviet leaders are pursuing a foreign policy aimed at the acquisition of influence in the Near East and the Mediterranean. What, if anything, they hope to gain in concrete terms is unclear—probably even to themselves. The Russians do not appear much inclined to try to communize the region; they have amiably overlooked the imprisonment of local Communists and the suppression of Communist parties in Egypt, Syria and Iraq, eagerly providing armaments to all three countries, both before and since the June war of 1967.

The Russians appear to be interested in the Middle East for reasons of security and trade as well as influence. They would like to see American military power removed from the region, although it is hard to see how that would benefit Soviet security since American bases would remain in Greece and Turkey. That, however, is the sort of thing big countries worry about, and I for one am inclined to take it at face value. The Russians would of course benefit commercially from the reopening of the Suez Canal, as would other countries, but that could be accomplished through a compromise peace and hardly requires a Soviet drive for power in the Middle East.

Basically, I suspect, the Russians are motivated by the same vague geopolitical impulses that all great powers are susceptible to: They enjoy sailing their warships around the Mediterranean and would enjoy it even more if we felt constrained to keep our ships out; they would like in general to be "top dog" in the Middle East and would be delighted to see American influence reduced or eliminated. It appears to be in large part a matter of ego gratification, or of what the psychologists call "self-maximization," and it is by no means a unique Soviet susceptibility.

For the advancement of these noble purposes, Israel is indispensable to the Soviet Union. So, at least, says Edward Crankshaw, the well-known Kremlinologist. Israel, in his view, is the Soviet Union's admission ticket to the Middle East. If it did not exist, the Arab States would have little need of Soviet military and political support, and the Russians would have nothing with which to charm the Arabs except their communism, which does not seem to charm them at all. Without Israel the dream of paramount Russian influence in the Middle East and of the Mediterranean as a "Soviet lake" would go aglimmering. If Israel did not exist, says Crankshaw, the Russians would have to invent it.

Israelis can be forgiven for an unwillingness to base their security on Soviet national egoism, but at least they—and their supporters in the United States—ought to take solace in the available evidence that the Russians have a stake in their survival. The Israel leaders are not known for simple-mindedness or a lack of diplomatic skill, and that causes one to suspect that they may be somewhat less terrified of the Russians than they care to let on. After 25 years of the cold war the word has pretty well gotten around that invoking the Communist menace is a fairly reliable way of keeping the Americans in line.

A recent statement by the American Jewish Committee, for example, referred to the dispatch of Soviet military personnel to Egypt as an action "obviously designed to test the intentions of the free world and particularly that [sic] of the United States." "The balance of power in the area has already been disturbed," the statement goes on, "and a serious challenge to the national will of the United States has been raised." And further:

The United States must make it unmistakably clear to the Soviet Union that it intends to defend its vital interests in the Middle East against encroachment by the Soviet Union.

The statement then calls for "affirmative action"—by which is apparently meant more Phantom jets and other military supplies for Israel—"to avoid the danger of a confrontation through Soviet misinterpretation of our past restraint as a sign of weakness."<sup>13</sup>

The language of this statement has a familiar ring; it is of Vietnam vintage. Their vital interests are suddenly identified as our vital interests; their security becomes a matter of our "national

<sup>12</sup> *Search for Peace in the Middle East*, p. 36.

<sup>13</sup> "American Jewish Committee, Statement on the Middle East," May 17, 1970.

will;" their regional conflict is identified with our global crusade against communism—all without benefit of factual analysis, much less a security treaty ratified by the Senate. It is the same old game of waving a red flag in front of the anti-Communist bull, and many Americans are still falling for it.

Fortunately, Secretary Rogers and other individuals in our Government have made a cooler assessment of Soviet intentions in the Middle East. They have recognized that, although the Soviet Union has made harsh verbal attacks on Israel, it has been consistent in its advocacy of a political settlement based on the Security Council resolution of November 1967. It also seems evident that the introduction of Soviet pilots and of SAM-2 and SAM-3 missiles into Egypt was something less than a bid for Soviet domination of the Middle East. The Israelis, it may be recalled, had been flying deep penetration raids over Egypt and had even bombed the suburbs of Cairo. The Egyptians at that time seemed unable to counter Israel air power and there was even talk of this situation resulting in the fall of President Nasser. The steps taken by the Russians since then can—and I think should—be interpreted as fairly cautious measures designed to bolster a faltering client. They seem quite cautious when compared with the things we have done to shore up our faltering client states in Asia.

The weight of evidence indicates that the Russians do indeed want a compromise settlement in the Middle East. In the view of the New York Times' correspondent in Moscow, they would welcome the reopening of the Suez Canal, relief from the heavy costs of arming Egypt, and a reduction of great power tensions. A solution acceptable to the Arabs, moreover, would earn gratitude and influence for the Russians in the Arab world, would enhance Soviet prestige all over the world, and appease the Jewish population of the Soviet Union.<sup>14</sup> And, most enticing of all, in the Soviet perspective, would be the ego-gratifying prospect of a region full of neutralist states more amenable to Soviet than to American "influence"—whatever that might mean in concrete terms.

When ideological and moral pronouncements are set aside—as every now and then honesty commands—the American perspective on the Middle East is in a number of important respects the mirror image of that of the Russians. We, too, attach great importance to our fleet plying Mediterranean waters; we too have an economic stake in the region—though not as great as that of some of our allies, who get most of their oil from the Middle East; we too derive ego-gratification from wielding "influence" in various parts of the world—although, like the Russians, we prefer to dress up our egoism in unctuous pieties; and, like our rival, we are a pushover for geopolitical grandiosities, the Middle East being, in President Nixon's phrase, the hinge of NATO.<sup>15</sup>

Only in one respect is our interest in

<sup>14</sup> Bernard Gwertzman, "Soviet Role in Mid-east," New York Times, August 3, 1970, p. 2.

<sup>15</sup> Televised interview of July 1, 1970.

the Middle East fundamentally different from that of other outside powers: we are tied to Israel by bonds of culture and sentiment and by the special attachment of our American Jewish population. These bonds represent a perfectly valid basis for the definition of a national interest and for the making of a valid commitment based on that interest—provided that the commitment is made in an appropriately constitutional manner, and provided too that it does not infringe upon or derogate from other valid interests. As matters now stand our commitment to Israel is *de facto* and undefined: we do not really know the extent of our own obligation, which could be very great, while Israel does not know what in the way of American support she can rely on. This uncertainty in turn appears to have driven Israel to greater militancy and inflexibility in her attitude toward the Arabs. For our part, the lack of a constitutionally legitimate commitment, candidly based on the sentimental and cultural bonds which are the real source of our interest in Israel, drives us to rationalize our involvement in terms of grandiose geopolitical concepts.

The assumption appears to be that there is something illegitimate about sentiment as the basis of a national interest and that we must therefore disguise it behind a facade of tough-sounding realpolitik. Reading the statement of the American Jewish Committee which I quoted earlier, for example, I could not help suspecting that the authors did not really believe all that stuff about the Russians testing the intentions of the free world in the Middle East and challenging the national will of the United States, any more than I believe it. The impression I had was that the authors of the statement feel a cultural and religious attachment to Israel but do not feel they can persuade the U.S. Government to pursue a policy designed to serve that attachment unless it can also be justified in terms of the grand strategy of the cold war. I regret this attitude very much, for one reason because there is nothing wrong with a policy based on sentimental attachment as long as it does not intrude upon other interests, but primarily because the introduction of cold war rationalizations can have—and to a great extent has had—the dangerous effect of expanding a local issue into a global one.

Both President Nixon and Mr. Kissinger have tended to speak in those terms. In his televised interview of July 1, for example, President Nixon spoke of the Middle East as being "terribly dangerous, like the Balkans before World War I, where the two superpowers, the United States and the Soviet Union, could be drawn into a confrontation that neither of them wants." Five days earlier, Mr. Kissinger had said exactly the same thing:

What makes the situation in the Middle East so potentially dangerous is the fact that it has many similarities with the Balkans before World War I.

Pressing the analogy, Mr. Kissinger contended that "no one caused World War I;" that it came about as an accident; and that the situation in

the Middle East is roughly analogous, Israel and the Arab States each being allied to a superpower. He said:

Each of them to some extent not fully under the control of the major country concerned.<sup>16</sup>

This tough talk, it has been explained, was designed to scare the Russians, not to be taken literally. Whatever effect it had on the Russians, I must say that it scared me, because it reveals a dangerously outmoded way of thinking about international politics. The catastrophe of war is conceived as something fated, controlled by quarrelsome client states if not by the iron laws of power politics. Implicit in this outlook is the supposition that the coming of a great war is beyond the control of statesmen—even beyond the control of the Pentagon computers, or of Mr. Kissinger's staff of experts in the White House basement.

The outlook is faulty, and so is the analogy. World War I was not primarily an accident, and it was certainly not predestined. It came about, as recent German historians have shown, because Germany was willing for it to come about and aided and abetted the events which led to the explosion. It was within Germany's power at any time to restrain her Austrian client and, in so doing, to prevent war. The German leaders knew they had this power but consciously chose not to exercise it because they thought they could win a general European war and judged that it would derogate from German pride and grandeur if the great German Empire shrank from war.

That is why war came in 1914 and that is why it will come again, if it does come again. It will be, as it was in 1914, the result of human choice, human pride and human folly. Neither the Arabs nor the Israelis have the power to bring on a world war. Only the superpowers have that option and—whatever the political usefulness of historical analogies—they had better not forget it.

At least twice in his two background briefings at San Clemente, Mr. Kissinger referred to the American interest in the Middle East deriving from our allies' dependence on Middle Eastern oil. The Japanese, Mr. Kissinger pointed out, get 90 percent, and the Western Europeans 75 percent, of their oil from the Middle East—"which again is one reason why we can have an overwhelming interest in preventing this area from being dominated by the Soviet Union."<sup>17</sup>

For those who are worried about "neoisolationism" Mr. Kissinger's words should provide ample reassurance that the policeman-of-the-world spirit is still a living force in American foreign policy. Without explanation or elaboration it is taken for granted that, because Japan and Western Europe need Middle Eastern oil, the United States has to protect the oil supplies from "the Soviets and their radical clients." What about the Japanese and the Europeans? Why

<sup>16</sup> Background Briefing, San Clemente, Calif., June 26, 1970, p. 20.

<sup>17</sup> Background Briefing, San Clemente, Calif., June 30, 1970, p. 9; June 26, 1970, p. 23.

have they not had anything to say about all this? Why do they not send their fleets to keep the Mediterranean from becoming a "Soviet lake?" Or at least why do they not participate in the enterprise? And why do we not expect them to?

The answer appears to derive from the laws of geopolitics. The "responsibilities of power"—or what used to be called "providence" in the age of faith—have imposed upon us the duty of serving as the Hessians of the free world, with the lesser free world countries at liberty to provide a regiment or two, if they wish, to put a nice face on things.

I do not care much for this geopolitical hocus pocus. Whatever the reasons of strategy or preference that induced the administration to employ it, there is far more to be said for the sensible, conciliatory approach which has brought about the cease-fire and the renewal of the Jarring mission. The administration of course may contend that the renewed peace talks would not have come about but for the carrot-and-stick approach combining the Rogers overtures with the Nixon-Kissinger threats. Perhaps so, but the Russians seem equally convinced that it was they who brought the Americans to reason by sending pilots, missiles and other armaments to Egypt. Each side seems to cherish the view that it has intimidated the other. Spending so prodigiously as they do on the instruments of intimidation, they naturally have a vested interest in having something to show for their money.

One would not begrudge them the conceit except for the fact that this attitude—this confidence in one's ability to intimidate an adversary into compromise and peace—seldom achieves the desired result. It has not achieved it in Indochina, and in the Middle East mutual intimidation has had a restraining effect—if indeed it has—only because both sides, for once, have been rational enough to recognize their common interest in peace and, therefore, to override their natural response to the other's threats, which is to feel challenged rather than intimidated, to be provoked and to respond provocatively.

The geopolitical formulations of America's interest in the Middle East are dangerous, historically unsound and basically romantic. There is no relevance in the Balkan analogy of 1914, which purports to show that we are helpless, and we have no automatic, unilateral vital interest deriving from the oil requirements of Europe and Japan. There are, to be sure, important American political and economic stakes in the Middle East, but our major specific interest is a cultural and sentimental attachment to Israel, rooted in the strong preference of a majority of the American people and their elected representatives.

We also have a nonspecific interest, which we share with the Arabs, with the Israelis, with the Soviet Union, and with the rest of the world. That interest is in the vindication of the United Nations as an instrument for the maintenance of peace. The Security Council resolution of November 22, 1967, which Secretary Rogers has said "will be the bedrock of

our policy,"<sup>18</sup> emphasizes "the inadmissibility of the acquisition of territory by war," and it reminds the Middle Eastern parties of their obligations under article 2 of the United Nations Charter, of which paragraph 3 states that—

All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

This is where the fifth perspective comes in, over and above that of Arabs, Israelis, Russians, and Americans. If a United Nations perspective can be developed and brought to bear, we might come out of the Middle East crisis with something better than a peaceful settlement. We might come out with a precedent too, with processes to draw upon in the future.

### III. TOWARD PEACE

For most of the life span of both entities the United Nations and the State of Israel have been intimately, if not always cordially, involved with each other. Israel was legally initiated by the United Nations; since then its status, borders, and policies have been the subject of a series of United Nations resolutions. The United Nations Relief and Works Agency still has primary responsibility for the Arab refugees; a United Nations peace force was placed between Egyptian and Israeli forces after the 1956 war and United Nations observers have been stationed along the Suez Canal since the June war of 1967. The Security Council resolution of November 22, 1967, is still the most complete, impartial, and generally accepted policy statement for a Middle East settlement, and is still the best hope for a viable peace. If there has ever been an issue which is ripe and appropriate for peaceful settlement under United Nations auspices, it is the conflict between Israel and the Arabs.

First and foremost, a just settlement must vindicate the principle, as spelled out in the Security Council resolution, of "the inadmissibility of the acquisition of territory by war." This principle goes to the heart of the Charter; article 2, paragraph 4 states—

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

The return of the conquered territories is the major single requirement for peace as stated by both President Nasser and King Hussein. As King Hussein put it:

Israel may have either peace or territory—but she can never have both.<sup>19</sup>

Restoration of the occupied territories is also American policy. In his notable speech of December 9, 1969, Secretary Rogers said:

We believe that while recognized political boundaries must be established and agreed upon by the parties, any changes in the pre-existing lines should not reflect the weight of conquest and should be confined to insubstantial alterations required for mutual security. We do not support expansionism. We

believe troops must be withdrawn as the resolution provides.

In return for withdrawal from all of the territories occupied in 1967, Israel would be entitled to firm and specific guarantees of her security. One such guarantee might be the stationing of sizable United Nations forces in militarily neutralized zones on both sides of the borders at all of the points which are critical of Israel's security. This would certainly include the Golan Heights from which, before the 1967 war, Syrian guns tormented the Israeli settlements below. United Nations forces might also be stationed on what is now the occupied west bank of the Jordan River; in and around the Gaza Strip and the old border between Israel and Egyptian Sinai; and perhaps too at Sharm el Sheikh to guarantee Israel's egress through the Strait of Tiran. In all cases, it should be specified that the United Nations force could be removed only by consent of both Israel and the Arab government concerned. Perhaps too the consent of a majority of the United Nations Security Council might be required, either to remove the United Nations forces or to terminate the neutralized status of the zones in question.

Another necessary provision of an Arab-Israeli peace settlement would be a mutual disavowal of any further efforts by either side to alter the frontiers of 1967. The Security Council Resolution of November 1967 specifies the right of every state in the area to "live in peace within secure and recognized boundaries free from threats or acts of force." The Arabs, it must be remembered, are as frightened of the Zionist doctrine of unlimited Jewish immigration leading to a drive for lebensraum as the Israelis are of an Arab "holy war" to destroy Israel. Both sides are entitled to explicit guarantees against these deeply rooted fears. This can be accomplished by writing into a treaty a more explicit and detailed version of that provision of the Security Council resolution which would require "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area."

Israel is entitled to free access through the Suez Canal as well as the Gulf of Aqaba and the Strait of Tiran. That too is called for in the Security Council resolution and should be guaranteed in the definitive instrument of peace.

As to Jerusalem, I have no specific recommendation. I think it well, however, to recall that the United Nations General Assembly unanimously condemned Israel's unilateral annexation of the city<sup>20</sup> and that its status cannot be considered "nonnegotiable." Some form of international status would seem to be the appropriate solution. The Friends' study suggests the desirability of "some sort of federal condominium to govern an undivided and demilitarized Jerusalem" and makes the further contention, in which I concur, that Jerusalem "cannot peacefully become the sole possession of

<sup>18</sup> Testimony before the Senate Foreign Relations Committee, March 27, 1969.

<sup>19</sup> Speech to the National Press Club, Washington, D.C., April 10, 1969.

<sup>20</sup> On July 4, 1967, by the vote of 99 to 0, the United States abstaining.

one religion or one national state."<sup>21</sup> There may also be merit in Dr. Nahum Goldmann's suggestion that the old Arab section of Jerusalem be constituted "an autonomous enclave with an international status administered by its inhabitants." Such an internationalized city, Dr. Goldmann suggests, might become a "center for world organizations" as well as a center for three great religions."<sup>22</sup>

Probably the most difficult and intractable of the issues to be resolved is that of "achieving a just settlement of the refugee problem" as called for in the Security Council Resolution of 1967. In justice and law—the latter in the form of numerous United Nations resolutions—the Palestinian Arab refugees are entitled to one of two forms of restitution: either repatriation or compensation. As a practical solution it should be feasible to work out an agreement under which Israel would take back within its 1967 borders an agreed number of refugees who would be accepted as Israeli citizens and whose former properties would either be restored or compensated for. For the majority of refugees, repatriation would probably be neither feasible nor desired. A commitment by the Arab States to accept them and assist in their resettlement—as in part they have already done—should be accompanied by generous Israeli financial support, both to compensate these refugees for their losses and to facilitate their resettlement. With contributions from friends abroad, and with the relief from military costs which peace would make possible, Israel should have no great difficulty in meeting these costs, which in any case ought to be accepted as an elementary moral obligation.

In due course the Palestinian Arabs will find it necessary to accept the existence of the state of Israel and to recognize that further, futile efforts to destroy the Jewish state will only compound their own suffering. The Palestinians have been done a great historical injustice but it cannot now be undone in the way they would have it undone. Indeed, after 22 years of Israel's existence as an independent state, it would now be as great an injustice to disrupt that society as it was for the Jews to drive the Arabs from their land in the first place. A certain rough justice accrues to any existing state of affairs, insofar as it affects people's lives and homes; once people are established and living in a place—regardless of how they got there—it becomes an injustice, even if it were a practical possibility, to disrupt and expel them.

This must be a bitter pill for the Palestinian Arabs to swallow, but, myths and realities being what they are, they are going to have to do it if they want an end to futile guerrilla warfare. Whether, whenever, and however they do, the Palestinians are entitled to some form of self-determination on the non-Israeli territory of Palestine. Whether they will wish to form an independent

Palestinian State, or rejoin the Kingdom of Jordan, or federate with it in some way, is beyond the reach of a foreigner's judgment, and perhaps beyond the feasible scope of any foreseeable peace settlement in the Middle East.

Central and indispensable to a peace settlement based on the Security Council Resolution of November 1967 would be the guarantee of the entire settlement by the United Nations. Such a guarantee would properly take the form of a specific commitment by the United Nations Security Council to enforce the peace and all of its specifications, including the "secure and recognized boundaries" of both Israel and her Arab neighbors and the neutralized status of designated border zones. The agreement should also specify strict limitations on the sale or provision of arms to Middle Eastern states by outside powers. As permanent members of the Security Council, the United States, the Soviet Union, the United Kingdom and France would have major responsibility for enforcement of the peace terms, but that obligation would fall upon them not in their capacity as "great powers" but as members of the Security Council, which is entrusted by article 24 of the Charter with "primary responsibility for the maintenance of international peace and security."

It might also be appropriate and desirable for the Security Council's guarantee to be ratified formally by the legislative bodies of the signatory states. Such action would represent a mark of the seriousness attached to this new commitment by members of the Security Council, although it might not be regarded as juridically essential since, by ratifying the Charter in the first place, every member of the United Nations is already committed, under article 25, to "accept and carry out the decisions of the Security Council." It would do no harm, however, by formal parliamentary act, to remind the members of this frequently forgotten obligation.

For reasons of varying merit Israel has indicated on numerous occasions a lack of confidence in the United Nations. In order to accommodate this attitude and provide Israel with an added assurance of security, I, for one, would be willing to supplement a United Nations guarantee with a bilateral treaty—not an executive agreement but a treaty consented to by the Senate—under which the United States would guarantee the territory and independence of Israel within the borders of 1967. This guarantee should neither add to, nor detract from, nor in any way alter the multilateral guarantee of the United Nations—which would obligate us, as a member of the Security Council, to defend the "secure and recognized boundaries" of both Israel and her Arab neighbors. The supplementary, bilateral arrangement with Israel would obligate the United States to use force if necessary, in accordance with its constitutional processes, to assist Israel against any violation of its 1967 borders which it could not repel itself, but the agreement would also obligate Israel, firmly and unequivocally, never to violate those borders herself.

I conceive of an American treaty of

guarantee with Israel as an instrument which would come into effect after—and only after—the multilateral guarantee of the United Nations had been agreed upon and ratified by all parties. The bilateral treaty with Israel would represent no more than a repetition of and an additional assurance of, our intent to honor the multilateral guarantee of the United Nations. Essentially, the bilateral arrangement would serve as an accommodation to the fact of Israel's mistrust of the United Nations. It would repeat a commitment which every member of the Security Council, including the Soviet Union, would also have made through their multilateral guarantee of the borders of all of the states concerned.

At this hopeful moment of at least temporary truce and renewed contracts between the principal belligerents, the situation in the Middle East presents the world community with an important, indeed an unprecedented, opportunity. At its present juncture the conflict between Israel and the Arabs is the most significant issue since the end of World War II in which the Soviet Union and the United States have identified enough in the way of common interests to allow of a peaceful settlement mediated and guaranteed by the United Nations Security Council. I do not think one can exaggerate the importance of the opportunity. A settlement mediated by the great powers in their capacity as great powers quite possibly could be a fair and durable one, but a settlement mediated by the United Nations could serve as a precedent for the settlement of other conflicts through the procedures of international organization. Perhaps, if the precedents accumulated, and with further advances in civilization, it might even be found possible to apply these procedures in conflicts involving the great powers themselves. That, after all, was why we created the United Nations in the first place—to save succeeding generations from the scourge of war.

Mr. President, one other comment in response to the observations a moment ago of the Senator from Connecticut. I can only emphasize what I said, that I do not have overwhelming faith that the Russians or other nations are going to live up to every agreement; but I do not think that is sufficient reason for not trying to make the agreements which I have suggested. No doubt there are many views as to how the agreements can be implemented. I have suggested a number of things, such as the stationing of a United Nations force in areas which are sensitive and critical points from a point of view of security. I reminded the Senate of suggestions that really have been made by people far more knowledgeable than I of the problem of Jerusalem, which is very complicated because of the deep emotions involved therein. I made the suggestion not because I am confident in it as the solution, but as illustrative of the kind of problems that will arise, and to prompt discussion and to show that I recognize, at least, these problems as a part of the overall question. These matters of detail are the very essence of negotiations which must take place.

But the overall reason for the speech

<sup>21</sup> *Search for Peace in the Middle East*, p. 56.

<sup>22</sup> "Israel and the Arabs—An 'Unrepresentative' View," *Le Monde*, Weekly Selection, May 27, 1970, p. 4.

is largely, as I have said, the conditions that have arisen both in the Middle East and outside the Middle East, which indicate that there may now be an opportunity to arrive at an arrangement with the Russians which they would consider to be in their national interest, just as I think we would consider it to be in our national interest, to bring about a settlement in the Middle East.

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

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I have just arrived in Washington, and was apprised, very graciously, by the Senator from Arkansas (Mr. FULBRIGHT) that he was going to make this speech. I was unable to be here before this hour. I have had an opportunity to read excerpts, but not the whole speech.

When the chairman of the Foreign Relations Committee applies his very considerable gifts to so difficult a problem as the Middle East, I feel it is my duty and my pleasure to study his remarks very, very carefully. Then, if I have some observations or comments or reply, I should make them in the same considered way and with the same study, introspection, as well as research, that the chairman obviously has given to his speech.

I rise now only to say I think it healthy that the chairman of the Foreign Relations Committee, on which I have the honor to serve with him, has taken such an interest in this subject and has made his own proposals. It can only advance our knowledge of this subject, whatever may be the differences in our views. It may be that some of us think he is too trusting in the power of pieces of paper, called guarantees or treaties, over the will of the people or geography, or over the very nettling problem of Jerusalem, as was mentioned, or the Arab refugees.

I think there is a chance to settle this dispute. I think there is a chance. I think some of the genius which can be mustered here in the Senate can materially help in that chance. I deeply feel that the President, having announced his policy on July 1, which was so heavily premised on the interest of the United States and the free world, for peace in this area, having been supported by 71 Senators, though there was a heavy manifestation for it in this Chamber. In my judgment, the President would not have proceeded as he did without that support from so many senators.

We have a very creative responsibility. I shall consider it a privilege to try to share it with the chairman, as I am sure many other Senators will, and I hope to be able to contribute to the ultimate result.

One thing is very clear: Certainly, there is the most ample goodwill and desire to bring this terrible crisis to a peaceful conclusion on the part of the Senator from Arkansas, and for that we will all be grateful.

I thank the Senator for yielding.

Mr. FULBRIGHT. I appreciate the comments of the Senator from New York. I do not know any man better equipped to make contributions to this difficult problem than the Senator from

New York. He has always had an interest in it, but in addition to his interest in it, he has one of the most thoroughly grounded minds that I have ever seen in matters both legal and political.

One of the purposes of the speech is to inspire—of course, the Senator from New York does not need any inspiration—the Senate and the whole country to take an interest in this matter and to recognize that we are already involved and that the whole world is involved in it, and to stimulate as many people as possible to come forward with any ideas they have to help us in the negotiations. It is high time we found some way other than the force of arms to deal with the problem.

I am not so optimistic as to believe that my speech or any other speech will provide a solution. The history of the human race does not give a great basis for optimism about solving these problems. But the previous history of the human race did not include nuclear arms. Until recently it did not have the present technological development which now burdens as well as benefits us. I think we are more burdened than benefited from it. The whole world has advanced. It is this realization that inspires someone to keep some hope in mind that we may avoid the shortsightedness which, in the past, has so frequently resulted in wars which have devastated the world.

Perhaps we are not able to solve these difficulties by reason. After all, it is a part of the responsibilities of the representatives of the people, such as Senators, to apply reason. We can always hope that our mentality and our political astuteness can catch up with the technological changes and find a way to bring about peace in the world. That is all. I think it is our duty to explore it at the very minimum.

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

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I hope for two changes. First, I hope it is true of the Jewish people, with whom I have such a deep acquaintance and feeling. They had a terrible heritage for five millennia, and the apogee of barbarism came in the Hitler regime. The Arabs have had a most illustrious history of culture and technology, mathematics in the fundamental sense, and they made great contributions to the world, and then they fell into a period of centuries of desuetude which has made their area one of the most feudal as well as one of the most depressed in the world.

It is hard to believe that modern currents have not touched the Arab world, as often seems to be the case. I think it is almost impossible to accept and I refuse to believe it.

Perhaps out of these two illustrious heritages—Jewish and Arab—not only can peace be made, but perhaps the whole area can be brought forward into a new developmental phase, in which it is now literally behind the whole world.

I shall certainly join hands with the Senator from Arkansas and all of my colleagues who are interested, to see if we can fashion this result.

Mr. FULBRIGHT. I thank the Sena-

tor. I agree with him that it is only recently we have had these developments. The Arabs and the Jews used to get along in close proximity there in the Middle East. The problem in earlier days was not rivalry between the Arabs and the Israelis; it was the colonialism of Western Europe, the British and the Americans who injected themselves into matters of local concern, that caused the trouble.

I do not believe there is really any reason why they cannot get along. They are both gifted peoples with rich cultural heritages. The reason I mention the cultural heritages of those countries is because I recognize the great talents of their people. We are all well aware of the tremendous talents and abilities of the Jewish people, as demonstrated here and in every other country. And, as the Senator mentioned, the Arabs have had periods of great accomplishment. They are, I am sure, people who can live at peace, as they did until recently. This is not a long lasting enmity, extending back hundreds of years. Their mutual enemies were the Europeans.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Arkansas may have an additional 15 minutes.

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

Mr. FULBRIGHT. Mr. President, does the Senator from Illinois wish me to yield?

Mr. PERCY. Yes, I shall appreciate the Senator's yielding for a few comments and several questions.

I noted yesterday the full coverage of the intended speech of the distinguished Senator from Arkansas today, and I commend the distinguished Senator for laying out before the world and the American public in such a thorough manner one of the most pressing problems that we face.

We have devoted too much attention to Vietnam and Indochina, an area 10 or 11 thousand miles from our country, where the direct relationship between our vital interests and our national security is not nearly as apparent as it is in the Middle East. I commend the distinguished Senator for bringing into public debate and bringing to public attention for consideration various alternatives and various routes that can be used to find what we must find—peace and stability for the people of Israel and of the Arab States, for all the peoples of the Middle East; because the future peace of the world may depend upon whether we can find an answer to this very agonizing problem.

Mr. FULBRIGHT. I thank the Senator.

Mr. PERCY. I also commend the distinguished Senator from Arkansas for what I consider to be an exceptionally fine presentation yesterday on "Meet the Press."

Mr. FULBRIGHT. I thank the Senator.

Mr. PERCY. If no one else intends to, I certainly shall want to put the "Meet the Press" transcript, when it becomes available, into the RECORD, because I

think all of us who did not see it should certainly study and read the very carefully chosen words of our distinguished colleague.

I have just a few questions, and I think they are serious and important questions, raised by the presentation made by the distinguished chairman of the Committee on Foreign Relations.

I feel certain that the Senator intended his proposals to be provocative, and to raise questions, because only by raising these questions can we obtain answers.

My first question respects the concern that I feel the people of the State of Israel, and the government of Israel would have about the proposal when it is suggested that they return to the their previously insecure borders, and give up what they now have and have gained through the so-called 6-day war, a war that they did not want, but which they felt was a necessary protection against the threats made that they would be driven into the sea and exterminated.

I presume that the philosophy is that a bird in the hand is worth two in the bush. They do feel much more secure as a result of having those territories but they are being asked, in this proposal, to give them up in exchange for a U.S. treaty commitment to rescue Israel if she is attacked, and in exchange for United Nations guarantees.

They look at United Nations guarantees with some concern, because they have not always been treated in what they consider to be a friendly and understanding way by the United Nations. Would the Senator care to expand on how he, walking in the shoes of the people of Israel, knowing what they have gone through, could give them assurance that giving up the land that they now hold can be a proper exchange for the commitment and the guarantee?

Mr. FULBRIGHT. I make the point, of course, that apparently—and I have no reason to doubt it—the return of the land is a precondition to any negotiated settlement. That is, if they do not do that, the war will continue. That is one of my assumptions; I think it is a just assumption.

If the territory is returned, and it leads to the guarantees which I have mentioned, it seems to me the only way to approach the matter is through a settlement that would give the State of Israel security so that she can live in peace and pursue her future without being a garrison state and continually waging war.

As to the significance of certain pieces of real estate to a nation's security, I think the experience of most of mankind is that real estate does not give security, especially with modern weapons. It may have to a greater extent in the days of bows and arrows, when a particular river, for example, which could not be crossed, except by boats or something, gave a certain security. I am sure there was a period prior to technological developments when mountains, heights, or rivers gave real security.

But I do not think that such factors are very significant any longer. What is

significant is the attitude of the neighbors. You cannot really live in peace if your neighbors are determined to make war. We have had many examples of that.

I try to be careful about analogies, because they can be very misleading, but the French, before World War II, felt that if they had the Rhineland and the Saar it would add to their security. It did not. Now they do not have either one, and they are far more secure. There has been a change of attitude on the part of the Germans, and this has made the difference.

Then there is our own experience with the Canadians. They do not feel, as far as I know, any insecurity, though we could walk across that border any day, because of our greater size and the strength of our forces.

In other words, the important thing is the attitude of people. I do not think the Arabs and the Israelis are going to achieve security until both sides make up their minds to accept a peaceful situation.

As to the guarantees, that is, the guarantees of the United Nations, I hope that organization would be serious in supporting the guarantees of the individual countries, including our own. I think that is what would contribute most to the development of an attitude, on the part of both the Arabs and the Israelis, that they are going to live in peace.

On the one hand, it would be an encouragement to make the Arabs feel that they could not upset it. It ought to disabuse their minds of the idea that they can destroy Israel. This in itself, it seems to me, would tend to cause that idea to evaporate, and cause them to reconcile themselves to the presence of Israel. That would be a part of their obligation. Whether or not they would actually do it, of course, a question.

But the piece of paper is not the final answer; it is the change in the attitudes of the people themselves.

Such changes have come about in other areas. We know how suddenly the great animosity that existed between us and the Japanese and the Germans 25 years ago has changed. I do not know why we should assume that we are so superior to all other people that we can change and they cannot. I think these are all very gifted people, and can change. But we have to create the conditions that make the change possible.

Mr. PERCY. I assume that if there existed between the Israelis and the Arabs the feeling that exists between the Canadians and the United States, we would not have much of a problem. But the feelings that exist between the Arabs and the people of the State of Israel are a long way from that.

Mr. FULBRIGHT. That is why I say I do not like analogies. However, that of the French and the Germans is a rather dramatic—

Mr. PERCY. In the long run, I feel there is a basis for what the Senator suggests.

Mr. FULBRIGHT. And now between the Germans and the Russians we have seen at least the stirrings of a movement

for conciliation. This is something quite remarkable.

Mr. PERCY. By the distinguished Senator's proposal, did he wish to remove from the area of negotiation the possibility that the belligerent parties themselves might agree that it makes sense for Israel to retain small areas which have no great value economically but which strategically may give great assurance to the people?

Mr. FULBRIGHT. Of course not. If the parties agree to that, I would welcome it. In anticipation that they may not, I simply suggested as an alternative that the Security Council undertake to station United Nations troops at those critical areas.

If they would agree to that, it would mean that they have progressed far beyond what I had anticipated they might as to their attitude. If they could reach that kind of reconciliation, that would be all the better.

Mr. PERCY. In other words, just on the eve of talks, it is not the Senator's intention to remove the initiative from the parties themselves or to impose from the outside the details of an arrangement or settlement on the parties themselves.

Mr. FULBRIGHT. Not at all.

Mr. PERCY. They could work out these details.

Mr. FULBRIGHT. The only reason for that is that, as the Senator knows, this has been going on for a long time, and they have been unable to work out the details. It would be much more acceptable if the parties themselves could work it out. It is only as a last resort, in recognition of the danger of this to us, that I make this proposal—on the theory that these proposals, if they are taken seriously, might be a further incentive for the parties to work it out. One can reason either way on that.

Mr. PERCY. I would presume that the distinguished Senator welcomed, as I did, the initiative taken by Secretary Rogers and the indicated willingness of Prime Minister Meir, King Hussein, and President Nasser to negotiate these conditions.

Mr. FULBRIGHT. Certainly.

Mr. PERCY. And nothing should interfere, then, with whatever progress can be made.

In other words, one might say that the proposal of the distinguished chairman of the Committee on Foreign Relations is there as another alternative, should the initiative which is now under way fail. In other words, if that fails, all is not lost. We would still have another route by which we could go. I feel that the United Nations should take a much more active role in this situation in the future than it has in the past.

Mr. FULBRIGHT. I certainly agree with the Senator.

As I have tried to emphasize, the point about involving the United Nations and having it undertake responsibility in this matter is one of the most important reasons for my making the speech, because the United Nations is important. It is especially important to small countries. It may be more important to them than it is to big countries, but I am not sure

that it is. Since the big countries seem inevitably to become involved in the problems of the smaller countries so, it is important to all. But the small countries are more immediately concerned. I think it is a very important element. If a Middle East settlement could be a precedent for action by the Security Council, it would be a great step forward.

Mr. PERCY. My principal concern goes to another area that I was not quite sure I fully understood yesterday in the press presentation of the Senator's point.

We would provide a commitment to the State of Israel, which would back up a solution to be worked out by the United Nations, to guarantee their security and the condition of peace in that area to the extent that we could. What, then, is to prevent the Arab States to literally, one might say, almost blackmail the Soviet Union into giving them a guarantee in which they might get a stronger guarantee than would be given to us? Then, reinforced with this guarantee and the highly emotional state of this whole situation out there, could it be probable that some Arab State might be inclined to take some rash action which today would be military suicide but which, backed up by a Soviet guarantee such as we had given, might then reinforce their intestinal fortitude, cause them to go ahead, which then, through an action of a third party, might force the super powers into a confrontation?

I shall very much appreciate some explanation as to how we could avoid this kind of situation should we give a guarantee on our side. This, of course, would not be the kind of guarantee that would give the State of Israel or the area any assurance for the future.

Mr. FULBRIGHT. I am not sure that I get the full impact of that.

My assumption all along has been that the Russians have an interest in settling the matter and do not have an interest in allowing the Arabs to involve them in a war with us.

It would be a wholly irrational act, if the Russians gave any such guarantee. I am not sure what kind of guarantee could go further than what I am proposing we take and the Security Council take.

I cannot imagine the Russians saying, "No matter how unreasonable, we will back you, even if you want to destroy Israel." I do not think they would enter into that agreement, unless one assumes that they are totally devious and deliberately fraudulent in what they agree to. If they have anything like that in mind, there is nothing to prevent them today from putting 10 times as many pilots in there, 10 times as many missiles, and everything else. I suppose they are physically capable of doing it, but I do not think they want to do it.

Here, again, we have to come back to the good faith of the people involved. If we cannot possibly have any confidence in their undertakings and their agreements, all of this is just so much talk. It may be that the human race is incapable of negotiating a settlement of its problems, that only force can be relied upon. We have not been very successful in it. We have had some minor successes here and there.

I think that the only way we can proceed is to assume some degree of confidence in solemn undertakings that countries make, in spite of the fact that in the past many of them have been breached. Upon that assumption, I think that what the Senator is proposing might happen with the Russians involves an assumption that they would act irrationally in this whole matter.

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

Mr. PERCY. Mr. President, I ask unanimous consent to continue for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PERCY. Perhaps a hypothetical situation, then, could help clarify my concern.

We would presumably, under the Senator's proposal, guarantee that if Israel were attacked by an Arab State, we would go to Israel's defense. A counterpart proposal then would come from the Soviet Union to the Arab States, that if they were attacked by Israel, the Soviet Union would come to their defense.

Mr. FULBRIGHT. They go to the United Nations, as a member of the Security Council, and so do we.

Mr. PERCY. What I am concerned about is this: Let us say the fedayeen, or the commandos, would attack from an Arab State; that it might well be presumed by the State of Israel that the attack was being supported by the army, if not directly, at least indirectly, of that country. They then retaliated, as they have, and attacked the commandos. The Arab State interprets this as an attack upon it and says to the Soviet Union, "Attack Israel, because the treaty we have with you has been violated, and you are therefore compelled to come to our defense."

This is the kind of situation I feel certain we would all want to avoid, and I would hope that it could be clarified, so that this is not the kind of situation that the distinguished Senator would envision our being drawn into.

Mr. FULBRIGHT. I think the Senator is assuming a breach of the agreement which will have been guaranteed by the Security Council. Our entering into it does not change those conditions. If the Senator is assuming, say, that Egypt or Jordan should violate it by harboring and doing by proxy what they have agreed not to do directly, I can see no justification for saying it is not a violation. That is a violation of their undertaking. In contrast, we have the hypothetical situation that they are unable to control absolutely all the activities of small guerrilla bands who, in spite of the opposition and good faith efforts of the respective governments, can still make raids. And this could happen. Then it would not be a violation of the treaty because they have in good faith tried to live up to it. They cannot quite control all the commandos any more than we can quite control our own criminals here at home. As strong as we are, we have the same problem, although in a different context. But it is not a violation of

the treaty. I would expect, certainly, that Israel would be quite competent to deal with an act. If it had no backing from an Arab government, Israel could certainly contain it. They can now, and they could under any reasonable circumstances, even though backed by the Russians, or even though backed by the government. It is like the criminals operating here in Washington or Chicago, we are not able quite to control them. But if we assume a breach, then the whole thing falls to the ground of course, and it is impossible. World War I started when a solemn obligation was breached with regard to Belgium. I am quite prepared and believe it is possible that someone will breach an agreement. But what is the alternative? If we try and fail, we will still be no worse off than we are now.

Mr. PERCY. With that, I certainly concur. I commend the Senator once again for his initiative in opening up this debate, which I hope will be carried on, because I think it helps our understanding of the complexity of the problem, and will help us also in the coming months on the negotiations.

My last question is an attempt to clarify the Senator's feelings as to the intention of the Soviet Union in the Middle East. I do not think that we dare underestimate Soviet determination to assume a major role in Middle East affairs. I think it is to our national interest to bring about an equitable peace in that area and, thereby, reduce Arab dependence on the Soviets while saving Israel.

In reading the Senator's speech, I felt that he was a little less concerned or maybe a good deal less concerned than I have been about Soviet intentions in the Middle East. Would the Senator comment on what he believes the Soviet intentions have been there, and what the direct relationship is to our national security?

With the answer to that question, I wish to thank my distinguished colleague for helping me better to understand his very, very forthright, fine, and valuable contribution to this debate.

Mr. FULBRIGHT. I thank the Senator very much for his works of approval of my efforts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 2 minutes.

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

Mr. FULBRIGHT. With regard to the intention of the Soviet Union, first, I think they intend, wherever they wish, to be recognized as a major power. We often refer to the two existing superpowers, the Soviet Union and the United States because of our industrial power and our military power. I suppose the Soviets believe that they have a reasonable degree of parity with us in the art of destruction, but each of us has such tremendous military power that we could destroy each other and maybe most of the world if we sought to do so. So, the Soviets wish to be recognized. They do

not agree that we have an exclusive fee simple title in Mediterranean affairs, in the Middle East, in the Indian Ocean, in the Caribbean, or anywhere else, any more than they have a fee simple title that excludes us from various parts of the world. Their national ego, like our own, I suppose, requires that they be able to sail their ships in the Mediterranean, or anywhere else they like on the high seas. They do not recognize that we have a prior right to control of or access to various parts of the world. I think one of the reasons I happen to think they are willing even to talk at Vienna is that they feel they have acquired a degree of parity with us and therefore they are willing to talk. I do not believe that the old principle many people subscribe to, that we should negotiate only from strength is a feasible policy, because the opposite side says, "Well, we will not negotiate from weakness," therefore we never get to negotiate. I think the way we interpret their actions in the SALT talks is just that. They feel they have acquired a degree of parity in the world.

#### TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BOGGS). Under the previous order, the Senate will now proceed to the transaction of routine morning business, under the 3-minute limitation.

#### UNANIMOUS-CONSENT AGREEMENT REGARDING COSPONSORS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that for the remainder of the 91st Congress, any Senator may present a request in writing and signed by him, to add the names of cosponsor of bills, resolutions, and amendments, and that such request appear in the appropriate place in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. BOGGS). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. With the further understanding that the request presented by each Senator shall be signed by the Senator who turns in the request with the parliamentarian at the desk.

The PRESIDING OFFICER. With that further understanding, without objection, it is so ordered.

Mr. COOK. Mr. President, I ask if the Senator from West Virginia would consider including as a part of his unanimous-consent agreement that a notice go to all Senators in addition to being in the RECORD, so that all Senators will know that henceforth cosponsorship may be accomplished by tendering the request to the Parliamentarian at the desk.

Mr. BYRD of West Virginia. Mr. President, I make that request, and I ask unanimous consent that such a notice be included in the Daily Digest.

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

Mr. HATFIELD. Mr. President, a point

of information. Would the unanimous-consent agreement involve the ones I have here in my hand to present this afternoon?

Mr. BYRD of West Virginia. Yes, it would. I make this request in the interest of saving time. So often Senators have to wait on the floor of the Senate in order to get recognition only for the purpose of adding the name of a cosponsor to a bill, resolution, or amendment. Under the unanimous-consent agreement which has been entered, any Senator may present in writing to the Parliamentarian at the desk, without getting recognition from the floor, the names of cosponsors of bills, resolutions, and amendments, and the CONGRESSIONAL RECORD will so show. This means that a staff aide cannot present such an item at the desk. It must be done by the Senator himself and the request must be signed by the Senator.

Mr. HATFIELD. Mr. President, I thank the Senator from West Virginia. However, in lieu of a signature to these requests, I shall make them in the RECORD.

Mr. BYRD of West Virginia. Mr. President, the Senator may, of course, do that if he so wishes.

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of morning business today, the unfinished business remain laid aside and that the bill making appropriations for the Departments of State, Justice, Commerce, and the Judiciary be laid before the Senate and that it become the pending business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

#### SENATOR INOUYE ON AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, on behalf of the Senator from Hawaii (Mr. INOUYE), I ask unanimous consent that a statement of his position on Senate Amendment 844 to H.R. 17123 to establish an all-volunteer military be printed in the RECORD.

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

##### STATEMENT BY SENATOR DANIEL K. INOUYE

The Senate will soon be considering Amendment number 844, which will add a new title to the Military Procurement Authorization Bill implementing the recommendations of the Gates Commission for an all-volunteer armed force.

I have decided, after a long period of agonizing review of the facts, that I shall support this amendment because I believe that the Selective Service System, as it is presently constituted, has outlived its usefulness. The time has come to institute a new system for raising manpower more consistent with the principles and ideals of the American political tradition.

Last year, I opposed the all-volunteer army concept because I believed it was impractical and would have dangerous implications for American freedom. I must frankly admit that I still do not regard it as the panacea which many of its enthusiastic supporters consider it.

I am still gravely fearful of the "professional" military. The "professionals" have too much power already. Events of this century should be convincing. To set them further apart from the general run of humanity is a dangerous development. At the very least, the draft added to the military thousands upon thousands of young men in uniform who hated the military. I do not suppose that with a volunteer army, men who hate military service will be volunteering. Nor will one with an advanced education and prospects for a well-paying job be enticed into entering this hard, sometimes lonely and dangerous, but very necessary profession. I fear that thousands of young men, freed from the specter of military service, will not join the military and hence deprive us of a body of officers and enlisted men who will subject military decisions to skeptical and suspicious scrutiny.

However, I have decided that the potential good of this amendment outweighs whatever doubts and misgivings I may have. My support for the amendment is based not only on the economic and political arguments familiar to the members of the Senate, but also on considerations of what the draft has done to our society. Compulsory service has had pernicious effects on our country and weakened our social fiber. It is my hope that much of this disruption and tension will ease if the draft is eliminated.

No one need convince me of the many inequities found in the draft. Everyone who has studied the problem has come across cases where induction has been used to repress dissent. Some local boards have been careless—by design or ignorance—in observing the legal rights of registrants and as a result have clogged the Federal courts with a multitude of complex cases. The loopholes and exemptions have led to tortured legal distinctions of "conscientious objection". Most important, the draft has been administered with an uneven hand, leaving those men with a college education and wealth a greater opportunity to pursue their interests than those who were less favored.

Finally, I am not unmindful of the great personal crises of conscience many men undergo when confronted with the momentous decision posed by the draft. This crisis has been aggravated by our involvement in the most unpopular war in our history, a war whose continuation I oppose. Approximately 60,000 men have fled to Canada. Uncounted numbers have fled to other countries willing to offer them asylum.

These decisions to flee have had tragic consequences on their families. They probably have destroyed promising careers, broken marriages, and caused irreparable loss to our national life. Many of those anti-military youths who accept induction have continued their insubordination and opposition to army policy, and their contribution to the spirit of restlessness in the military has been of great concern to career officers. The great hostility engendered by this anti-military feeling has led to skyrocketing rates of desertion from the armed forces. None of this human tragedy or alienation can be computed in dollars and cents.

I hope that our democracy will be strong enough to withstand the pressures of a "professional" military. I shall support efforts to terminate the present Selective Service Act. I pray that my decision is a correct one.

#### ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, LeRoy Anderson, major general, U.S. Army retired, and former Member of Congress, recently made a statement on the all-volunteer military which I would like to commend to my colleagues. I ask unani-

mous consent that the statement be printed in the RECORD.

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

STATEMENT OF LEROY ANDERSON

The draft is unnecessary, unjust, expensive in money and moral values and a threat to the very fabric of our society. It is as un-American as the old British custom of shanghaiing or impressing seamen by force.

The usual reason given for continuing the draft is that it would be too expensive to have an all-volunteer military. Forget for the moment that this statement is, on the face of it, an acknowledgment that we are forcing a disproportionate share of the cost of national defense onto the shoulders of the young men selected for the draft (who had no part in making the mess they are supposed to clean up, at the possible cost of their lives). The fact is that the argument just will not stand up under close scrutiny, all factors considered.

The draft, far from being economical, is a most wasteful way of maintaining military manpower. What efficient corporation would tolerate a personnel system with the military services high rate of turnover, as it trains and retrains new men every few months to operate the increasingly complex and complicated machinery of modern warfare?

Let Congress determine the size of the military and then provide the funds to staff it with those who willingly choose the military profession. Whatever the required strength the personnel can be recruited if the pay and other incentives are competitive with other occupations and proportional to the demands of the service.

This will be more economical in the long run than our present antiquated system of conscription. We must move, in this time of increasingly sophisticated weapons, from a system of draftees, much of whose time is spent in training, and many of whom are unwillingly in the service, to a military that is professional and makes a career of it. Certainly savings, efficiency and a better standard of performance will then do the job with a smaller number of properly trained professional soldiers, supported by civilian employees where feasible.

Perhaps, too, we have overlooked the need for motivation to make the military efficient. A man will do a good job if he believes in it, a poor job if he is forced to do something he doesn't want to do, or something which is counter to his deep-felt convictions. Having been a tank battalion and task force commander in combat from Normandy to the Elbe in WWII, I was much impressed by the findings of then Colonel, now General, S. L. A. Marshall. General Marshall found that a large number of soldiers, nominally in combat, made no contribution to the success of their units. Many never fired their rifles or carbines, even when the flow of battle threatened their own bodily safety. Yet each of these non-effective soldiers required the same number of men to back him up in the support and logistical forces as did any other soldier in the lines. We can say that for each non-effective soldier the military was also providing backup personnel and supplies, and that this sum total was wasted.

I believe that in an all-volunteer service there would be far fewer non-effectives, reducing both combat and service expenditures and providing a far more effective and efficient military machine.

The arguments I have presented so far have been those concerned with justice, fairness and with the material, practical dollars and cents considerations. Those were my views when I sat on the House Armed Services Committee and they are still my views.

Now, additionally, as an observer of the national scene, I am convinced that continuation of our present draft system could well have apocalyptic consequences in the growing alienation of our young from the rest of society. No other single cause is so responsible for the growing alienation, dissent and protest throughout our nation as is conscription and its concomitant issues of peace and war. This is a terrible and pervasive alienation, found among all classes of Americans, rich and poor, white and non-white alike.

The cause is to be found in the grave defects in the draft system itself, which call upon some young men to offer their lives for reasons which are, at the least, unclear; for reasons which appear to many to call upon them to participate in a war which they regard as totally unjustifiable, immoral and inconsistent with the great democratic and humanitarian traditions of our country. Much of the turmoil on our campuses is conscription and draft related. The fact that over 60,000 young men have left the country because of the draft and that some 30,000 are simply refusing the draft and taking their punishment bears eloquent testimony to the depth of their feelings and convictions.

The draft is terribly unjust, both as between one young man and another and even more because it forces certain young men to bear a disproportionate share of the cost, even to sacrificing their lives, of getting us out of (or deeper into) a mess that they had no part in creating.

In simple justice every young man should be free to make his own choice. A few should not be chosen, arbitrarily or by lot, to make a sacrifice for the security of us all. We must move at once to a professional all-volunteer military by setting the pay and incentives where they will attract the number and quality of men required to provide for our security.

We can do it, and have a more efficient and economical military. Nothing less will heal the wounds that scar our society. Let us move forward to make our people one again.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be recognized for 6 minutes in the morning hour.

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

NO. 1—WHY THE MILITARY BUDGET CAN BE CUT BY \$5 BILLION

Mr. PROXMIRE. Mr. President, in the next few days, the Senator from Maryland (Mr. MATHIAS) and I, along with a number of other colleagues, intend to offer an amendment to cut military spending for fiscal year 1971 by \$5 billion.

Thursday evening Deputy Secretary of Defense Packard made a remarkable speech in which he provided massive evidence in support of a major military budget cut. He sharply criticized Pentagon procurement practices. The Deputy Secretary put it very bluntly:

We have a real mess on our hands.

Speaking at a meeting of the Armed Forces Management Association in Los Angeles, Secretary Packard placed the blame squarely on the defense contractors:

We should buy only what we need—not systems you or anyone else thinks they can develop to do something that doesn't need to be done. The Defense Department has been

led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do or what it would cost.

Mr. President, it is only rarely that a high Defense official is this candid about the inadequacies of the Defense Establishment. For this reason alone, we should take these remarks very seriously. Is there any better evidence that we can cut defense spending? When the men responsible for our defense programs say we are spending too much money, that the system is breaking down, it is time all of us in Congress began to listen.

Can we cut the military budget? Here is what Deputy Secretary Packard says:

When we are not in a hurry to get things done right, we over-organize, over-man, over-spend, and under accomplish. The most dramatic contrast is within Lockheed—Kelly Johnson and his programs, and the Air Force and Lockheed on the C-5A.

Can there be any better evidence that we can cut the Defense budget without jeopardizing our national security? Can there be any better evidence that by cutting the budget we would actually be doing the Defense Department a great service? Many of us believe that we can improve our defense posture by spending less money. This is what the Secretary is saying. To quote him again:

We don't need more supervision and more people in the act. We need fewer people.

Mr. President, these are the words of the Deputy Secretary of Defense—not mine or those of other Defense Department critics. The Secretary is clearly telling all of us in Congress that we have provided the Department with too much money; that we are promoting inefficiency by appropriating such large sums of money for projects of questionable value.

Let me quote the Secretary once again:

Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayer's dollars; sometimes we spend it badly. Part of this is due to basic uncertainties in the defense business. Some uncertainties will always exist. However, most of it has been due to bad management, both in the Department of Defense and in the Defense Industry.

Let me repeat that, Mr. President:

Most of it has been due to bad management, both in the Department of Defense and in the Defense Industry.

What is the Secretary's answer? "Use fewer people, do not overorganize, do not overspend." I would hope that everyone in Congress hears this. If we want a better Defense Establishment, we should spend less money and use fewer people.

I would hope that every Member of Congress hears this. Under Secretary Packard said that we should spend less and not overorganize, but use fewer people. Secretary Packard's statement, it seems to me, implies that we can make very substantial cuts in procurement.

Mr. President, Congress can cut the

defense budget by as much as \$5 billion. We are not doing the Pentagon a favor by giving them too much money. We are making their job more difficult. We are promoting inefficiency and waste. If we want a truly strong Defense Establishment, not one fat with people and programs we do not need, then we will cut the Defense budget. The Secretary has pointed to the C-5A. Other overruns such as those on the Minuteman III, the Mark-48 torpedo, the Gamagoat, the Navy's deep submersible rescue vehicle, the Sram missile, the DE-1052, and other weapons system could be added to the list.

The message is clear. We can cut the Defense budget without jeopardizing our national security. Such a cut would add to our security by forcing contractors to deliver all the performance promised, at the price promised. We will get better weapons, at a lower cost. For all these reasons, I urge Congress to carefully consider what Secretary Packard has said. I ask unanimous consent that his speech be printed in the RECORD, and I urge every Senator who is concerned with a truly strong Defense Establishment to read this speech carefully. We can cut the Defense budget now.

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

ADDRESS BY THE HONORABLE DAVID PACKARD

I am delighted to be with you here in Los Angeles tonight. I am sorry I was not able to spend more time at this conference, and particularly sorry not to hear Gil Fitzhugh this noon. He and his Blue Ribbon Panel have done an outstanding job making recommendations which will improve the operation of the Defense Department.

Secretary Laird and I intend to move ahead as quickly as possible to put most of the 113 recommendations into effect.

I agree in particular with the Committee's recommendation that more decentralization of the Department is necessary. To me that means more decision-making at a lower level and less time-consuming and duplicate second-guessing topside.

This gives me a problem on the recommendation for the three deputies. We do not want to create a structure that adds more top-level involvement in the working man's business. I appreciate the implication that I have to work hard. I do put in long hours. I assure you, however, that much of my time has been spent doing things that lower levels should do. Three deputies would tend to pull even more decision-making up to the top, and we do not want to move in that direction. What we want to do is give a man a job and let him do it.

The report greatly under rates the Joint Chiefs of Staff. I have spent a great deal of time working with the Chiefs during the past year and a half. I found them among the finest, most dedicated, most capable men I have ever known. They have given Secretary Laird and me their complete support and cooperation.

There is no question about civilian control of military operations. Secretary Laird or I approve every operating order; but we do need to streamline the chain of command for operations. This will be done on a careful, step-by-step basis because the problems are complex, and also because we need to assure uninterrupted combat readiness of our forces.

We intend to give the Service Secretaries and the Services more responsibility so that they can do their jobs. Before they can do their jobs right they will have to break down some of the multi-layer staffing that has

built up over the years and work together better to avoid unnecessary duplication. In short, the problem is not the people—it's the system. And now, how does this apply to the procurement problem and this meeting you have been holding this week?

I suppose that some of our critics will call this a meeting of the military-industrial complex. So be it. I am not embarrassed by the fact that we need industry to help the Department of Defense. I am only embarrassed that we haven't done a better job. Many of you, and certainly those not in the industry, may expect me to talk about what a grand job we have all done and how necessary we are for one another. I am not going to do that. I am going to talk about the things we do wrong and the things that we have to do better.

Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayers' dollars; sometimes we spend it badly. Part of this is due to basic uncertainties in the Defense business. Some uncertainties will always exist. However, most of it has been due to bad management, both in the Department of Defense and in the Defense industry. We can and are doing something about that. I am not talking just about cost over-runs as so many of our critics do. Over-runs are the end product of our mistakes rather than the key issue to be addressed. I am surprised that our critics took so long to discover cost over-runs. They have been around for a long time, and many of the cost over-runs that receive the most publicity were organized by Defense and industry years ago. We are now paying the price for mistakes in contracting, in development and in management.

Frankly, gentlemen, in Defense procurement, we have a real mess on our hands, and the question you and I have to face up to is what are we going to do to clean it up.

Let me first mention two things that won't help.

It won't help for Congress to legislate detailed and inflexible rules governing procurement.

Nor will it help to put the General Accounting Office in the process of making management decisions. The GAO deserves the highest marks for auditing, but the talents of a good auditor are not identical with those of a good manager.

The pressures are strong to insert the Congress and its right arm, the GAO, into the details of day to day management decisions in the Department of Defense. Until we in the Department and you in defense industry demonstrate that we can provide capable and efficient management, these pressures will continue.

I have been in this job now for 19 months. Frankly, I am ashamed I have not been able to do very many of the things that need to be done to improve the situation I found here in January 1969. The most frustrating thing is that we know how we ought to manage—you, me, all of us—and we refuse to change based on what we know. Every time we want something done in a hurry and want it done right, we have to take the project out of the system. We give a good man direction and authority and let him go—and it works. When we needed sensors in a hurry for Vietnam, we got the best man we could find—General Starbird—gave him all the authority he needed and told him to produce—and he did. And I don't know why anybody would be surprised. His successor, General Lavelle, has had the same authority, has consistently returned money from his budget, has done all the management things that people say you are supposed to do, and meets every requirement—financial, managerial or operational—that we could want. Industry does the same thing. The "Skunk Works" in Lockheed has had tough, complex,

expensive and demanding programs. Kelly Johnson produces.

On the other hand, when we are not in a hurry to get things done right, we over-organize, over-man, over-spend and under-accomplish. The most dramatic contrast is within Lockheed. Kelly Johnson and his programs, and the Air Force and Lockheed on the C-5A. I simply cannot understand why we are unable to change the system to avoid the C-5As and get more Skunk Works. We must find a way to do this job right, and you bear as much responsibility as I do.

We need good people—and by that I mean you—who will step up to their responsibilities. That is what decentralization is all about.

In the hope you would do this, on May 28 I issued a memorandum of guidelines for Major Weapons System Acquisition. There is nothing in this memorandum that you don't already know. As a matter of fact, the management principles in my memorandum are so simple that anyone who could not have written the memorandum himself doesn't belong in management. Again and again I have made a big point about getting the right man in the right job and giving him authority. But it is just not that simple. Admiral Rickover is a good example. The Admiral is a man of considerable capability. He has his own style, but he produces. He got a program, had to fight the system tooth and nail to get it, challenges the system every chance he gets, but is still saddled with the system. I had a long talk with him after the 28 May memorandum was published, and it was clear that I hadn't taught him anything about management. He told me that the principles were great but that if we couldn't get to the system that sits on top of the manager, nothing else mattered. He is right.

I know Secretary Laird and I bear the responsibility for the system in the Department of Defense, and I am going to keep working at it. But you in industry bear a similar responsibility, and I expect you to do the same thing.

In my memo I told the Services to select people with the right background and education for management, give them appropriate training, give them recognition, and leave them on the job long enough to get something done.

All four Services have accepted my recommendations—and their letters say that they agree. But on at least two occasions they have taken actions exactly contrary to those suggested. The Air Force and the Navy are both involved. In one case, a small dedicated Air Force team developed the gunships which have been so successful in Vietnam. The Air Force decided to put this program into its formal system. About a month ago I asked when we would be able to get some more gunships. The answer was in two years. That program is now out of the Air Force system, and we will have more gunships in six months.

In the other case the Navy, shortly after agreeing that a good manager should be kept on the job long enough to get it done right, proceeded to promote a key manager at a critical time from an important program to another assignment. The system wins and the cause of good management loses.

In my memo I talked about policies for development of new weapon systems. The lesson that comes through loud and clear here is we should buy *only* what we need—not systems you or anyone else thinks they can develop to do something that doesn't need to be done. The Defense Department has been led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do

or what it would cost. And we in the past have sometimes been guilty of over-optimism on our cost estimates and over-demanding in our requirements. We share the blame together, but the mistakes of the past cannot be repeated if we are to provide for the nation's defenses in today's climate of a critical public and a critical Congress. We are going to buy only things that we need, and we are going to make sure they work before we buy. The same thought carries over into full-scale development and production. We must know what we are going to do and how to do it before we go into production. We are not going to put things into development until we are sure we need them, and we are not going to put things into production until we are sure that they work.

This has been a short speech. I have tried to speak very frankly and directly this evening because the problem is very real. It is you people here tonight and the Department of Defense that must take action to solve these problems. We recognize that these problems cannot be solved overnight and perhaps some of them cannot be solved at all, but it is very clear that it is unacceptable to continue to do business as we have done it in the past.

The things I have had to say tonight and the things I said in my 28 May memorandum are simple. Many times we have done a bad job—we are going to do a better one. We are going to know what we are doing before we do it, and we are going to manage it better. We have a lot of obstacles in front of us and some of them we created ourselves. We have given our critics the opportunity to find us at fault, and we run the danger that their efforts to direct Defense management will just compound the mistakes in the Department. We don't need more supervision and more people in the act. We need fewer people. The system in the Department of Defense is going to change. Secretary Laird and I are going to demand it. I expect you who are here tonight and everyone else who does business with the Department of Defense to do the same. That is all I have to say.

#### ORDER FOR RECESS UNTIL 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.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the approval of the Journal tomorrow morning, the unfinished business be laid before the Senate and that then the amendment which has been offered today by the able Senator from Oregon (Mr. HATFIELD), be laid before the Senate and that the time then start running under the previous agreement.

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

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

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

#### POSITION OF ASSOCIATION OF THE U.S. ARMY ON ALL-VOLUNTEER ARMED FORCE

Mr. THURMOND. Mr. President, in view of the recent discussion on the Senate floor, reference the Hatfield amendment to establish an all-volunteer army, it would seem useful for the Senate to have the benefit of a white paper issued on this subject by the Association of the U.S. Army.

This paper was issued April 21, 1970, and the association feels it would be unwise to discard the selective service system at this time. The association does support taking steps to move toward an all-volunteer army, but feels that draft should be continued until more is accomplished toward this end.

Mr. President, I ask unanimous consent that this report be printed in the RECORD at the conclusion of my remarks.

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

#### PROTECTING THE FREE SOCIETY: AN AUSA WHITE PAPER ON PROPOSALS FOR AN ALL- VOLUNTEER ARMED FORCE

##### INTRODUCTION

Almost since the inception of warfare, the problem of how to obtain manpower for the fighting forces has been a real bone of contention. Impression, lotteries, universal military service, selective service, hiring substitutes and All-Volunteer systems have all been tried in a variety of forms but none has produced a system that both meets the need and satisfies the participants.

This subject has most recently come under scrutiny again as a result of the recently published report of the President's Commission on an All-Volunteer Armed Force—popularly known as the Gates Commission.

For those not familiar with the background of the Gates Commission, it had its genesis in some remarks prepared for a campaign speech of President Nixon's which was aired on radio on 17 October 1968. He said in part:

"A system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. . . . The inequity stems from one simple fact—that some of our young people are forced to spend two years of their lives in the Nation's defense while others are not. It is not as much the way they are selected that is wrong, as it is the fact of selection. . . . The military services are the only employers today who don't have to compete in the job market."

Following Mr. Nixon's inauguration he announced on 27 March 1969, the creation of a Presidential Commission to be chaired by Thomas S. Gates, Jr., the former Secretary of Defense, which would "develop a comprehensive plan for eliminating conscription and moving toward an All-Volunteer Armed Force".

At the same time the Gates Commission was beginning its work, the President directed the Secretary of Defense to undertake a similar study of the actions within the Department that would be required to reach the same All-Volunteer goal. The DOD group was known as the Project Volunteer Committee. Each of the services had a subordinate study group feeding their views into the Project Volunteer Committee. The Project Volunteer Committee has not issued a public report.

In 1967 two blue-ribbon panels undertook exhaustive studies that addressed themselves to the feasibility of an All-Volunteer Armed Force and what improvements should be made in the methods of procuring military manpower.

One of these was the President's National Advisory Commission on Selective Service—a group of 20 distinguished citizens, headed by Burke Marshall, which concluded that an All-Volunteer Force was not feasible or desirable.

The second 1967 study group was the Civilian Advisory Panel on Military Manpower Procurement which was set up by the Committee on Armed Services of the House of Representatives. Retired Army General Mark Clark was the Chairman of this distinguished group of eight educators and business leaders. Even more forcibly this group rejected the feasibility of an All-Volunteer Armed Force.

In the interim, several Congressional Committees have delved deeply into the subject and major draft reforms have been enacted.

This excerpt from the introduction of the Marshall Committee's report summarizes the problem:

" . . . the necessity to search for a method of manpower procurement that would assure the Armed Forces' ability to acquire the men they need, under any circumstances, to protect the nation's security and to meet its commitments, and at the same time function as uniformly and equitably as possible with due regard for the problems and the rights of the individual into whose lives it must intrude".

Proponents of the All-Volunteer Armed Force including the Gates Commission advance some arguments with which there can be little quarrel.

As President Nixon pointed out, we have never been able to devise a system of conscription that was completely fair to all concerned. It is unlikely that we ever will, although Selective Service legislation is under almost constant review and modification.

If it were feasible to have an All-Volunteer Force, it almost certainly would be more cost-effective as the pipeline of entries was reduced and concurrently the training overhead. Up to a point, an All-Volunteer Force should be a more efficient one. Although it is difficult to conceive of a more superbly trained Armed Force than we have right now.

There can be little question that conscription is an invasion of the personal liberties of the young men being drafted. Some 17½ million young men have, since 1917, been drafted for duty to their country and they have borne this invasion of their liberties with surprising goodwill and comparatively small complaint.

We agree also with the premise of the Gates Commission that an All-Volunteer system, maintaining the same standards of quality, would be manned by approximately the same ethnic distribution of individuals as are in the service today.

We heartily endorse the Commission's strong fundamental consideration of: "The need to maintain and improve the effectiveness, dignity, and status of the Armed Forces."

We strongly support the Commission's view that material increases in compensation are overdue in our Armed Forces. The Commission is absolutely correct in emphasizing the needs for improvements in a variety of phases of career attractiveness.

There are, however, some areas of fundamental disagreement with the Gates Commission's recommendations which we shall enumerate.

First and foremost, is the very basic question will the All-Volunteer scheme work? We don't think so—for several reasons. First, there is nothing in our history to suggest that Congress will consistently appropriate the very sizeable expenditures that will be required to do all things necessary to attract volunteers in the numbers needed. Secondly, it just isn't realistic to expect that the expanding manpower requirements of the Reserve Forces could ever be met solely on a volunteer basis. We can't afford Reserve Force units manned at less than 75 to 80%.

The Gates Commission has recommended that the Selective Service System be put on a stand-by basis not to be reactivated without the consent of Congress after "public debate". Considering the past history of public debate surrounding Selective Service legislation this would have to be considered a very risky recommendation which we cannot support.

The Committee's recommendation that the stand-by draft system be established by 30 June 1971 is most unrealistic. We support Secretary of Defense Laird's view, "The transition to an All-Volunteer Force must, of course, be handled cautiously and responsibly so that our national security is fully maintained." Also, we feel his objective of getting to zero draft calls under the present Selective Service System is eminently more practical and desirable than undertaking the risky course toward an All-Volunteer Force.

The cost figures advanced by the Gates Commission appear to us to be seriously understated and fail to include many of the costs of improving career attractiveness which the Commission feels are necessary if sufficient volunteers are to be attracted. When these additional figures are included they exceed the Commission's cost estimates substantially.

It seems to us that the approach to the Reserve Forces manning problems as outlined by the Commission is not in keeping with our national defense needs nor is their recommended course of action, in fact, feasible or desirable.

We have some thoughts also in rebuttal to the Commission's philosophy expressed in this statement:

"A return to an All-Volunteer Force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity. It is the system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values."

As the Commission so rightly points out elsewhere in its report, the vast majority of those now serving are volunteers and have had the full opportunity to express their patriotism, as did those who had to be drafted. Government interferes with our freedoms in a variety of ways—laws and regulations—taxes and civic responsibility—and some of these invasions are considered by many to be far more onerous than the draft. But this is part of the price we pay for our liberty under a democratic system which Winston Churchill has described as "the worst form of government except for the alternatives".

That young men be permitted, in time of national need, to decide whether or not a particular conflict is to their liking seems to us to be sheer folly. Even a cursory examination of our manpower procurement problems starting with the Revolution would suggest that to the young man of draft age the most unpopular war is the present one in which his life might be endangered.

The Gates Commission has made two kinds of pay recommendations:

1. Those requiring implementation prior to or concomitant with the transition to an All-Volunteer Force. These would include: increased basic pay; extension of skill differential pay to men in the first two years of service; and an increase in hostile fire pay.

2. Those the committee considers equally necessary for reasons of equity and efficiency but not primarily essential to an All-Volunteer Force. These would include the development of a military salary system comparable to that in the civilian sector, including the substitution of cash for some benefits that are now provided in kind. The modification of the present retirement system, including the introduction of vesting.

In this immediate examination, we shall restrict our comments primarily to those recommendations which the Commission felt were fairly essential to move promptly toward a volunteer system. Later on we shall discuss some of the points mentioned in 2 above.

The Commission started with an assumption that there would be an across-the-board 8% increase in basic pay for all military personnel effective 1 July 1970. From this point the Commission then made these specific recommendations:

1. Raise the average level of basic pay for enlisted military personnel in the first two years of service from \$180.00 a month to \$315.00 a month effective 1 July 1970.

2. The basic pay of officers in the first two years of service be raised from an average level of \$428.00 per month to \$578.00 per month.

On a percentage basis the Commission's recommendations and assumptions for pay increases are as follows:

57% for 1st term EM\*.  
14% for 2d term EM\*.  
36% for officers in first 3 years of service\*.  
8% for all other ranks.

\*These include the 8% across-the-board increase.

If the Committee's recommendations for pay increase only are put into effect, they would entail a budget increase of an estimated 3.3 billion for the following:

	Billion
Basic pay increase.....	\$2.68
Proficiency pay.....	0.21
Reserve pay increase.....	0.15
Additional medical corps expense.....	0.12
Recruiting, ROTC and misc.....	0.08
 Total.....	 3.24

The Committee computes that about 540 million of this budget increase would be returned to the Treasury in the form of income tax collections so that, in fact, this pay portion of their recommendations is an actual net increase in military costs of only 2.7 billion.

Let us look first at the Committee's recommendations for increases in basic pay and then later on in the context of other career compensation required, discuss its longer range recommendations.

First of all, AUSA strongly supports the 8% across-the-board pay increase. It is essential almost at once to keep military pay from falling any further behind pay in the civilian sector. So this increase for all is needed.

We agree also with the Commission in its view that those in the earliest years of service both officer and enlisted are deserving of the substantial increases which have been recommended. Certainly the adoption of these increases will improve the attractiveness of service and should increase the number of volunteers.

The Commission has made some assumptions and estimates that appear to us to require considerable testing before acceptance. For example, consider their linear mathematical equation which states, "a 10 percent increase in the current value of first term military compensation will result in an increase of about 12.5 percent in the voluntary enlistment rate from the 17 to 21 year old civilian population."

This says in effect that all you have to do is increase the pay and adequate volunteer enlistments will be forthcoming. We suggest that the situation is more complex. If it were purely a matter of pay, how is it that the D.C. Metropolitan Police Force cannot fill its ranks with personnel of very similar standards at a starting pay scale of \$8,500.00 per year vs. the \$8,750.00 plus room, board, medical care and uniforms per year which the Commission has recommended for military entrants?

A sub-committee of the Senate's Judiciary Committee put the problem this way, "Staffing the military establishment is not a typical employment problem, because of the singular circumstance that fighting may be part of the job." For many, even the hostile fire pay of \$200.00 per month which the Commission has recommended will not make service that attractive since it is "restricted to those who in the course of their duties are regularly exposed to hostile fire and then only for the period of such exposure".

Allied with this concern is the problem of the inequality of hardships amongst the services and even within the services. Presumably volunteers will be permitted to select the service of their choice and probably the branch they desire within that service. The Commission recommends "an expansion of the current program whereby enlistees are permitted to specify their choice of occupation as a condition of enlistment". If that be true, the Army and Marines will continue to be the least popular. Consider these casualty figures from the Korean War—which are being pretty well validated in Vietnam:

Army (84% Infantry).....	27,604
Marines.....	4,267
Air Force.....	1,200
Navy.....	458
 Total.....	 33,629

In the draft calls during the Vietnam conflict only the Army and occasionally the Marines have had to rely on Selective Service to fill their quotas.

All of this suggests that while pay will have an important bearing on our ability to attract volunteers some scheme not covered by the Committee's recommendations will have to be found to fill the ranks of those who must close with the enemy on the battlefield and defeat him. In the current vernacular, that's what it's all about.

So far we have discussed only the entering officers and enlisted personnel and have not discussed the very serious problems of retention. This plays an important part in an evaluation of the Commission's report since many of its recommendations are based on a low rate of personnel turnover both to reduce manpower requirements and costs. We shall return to this when we discuss other forms of compensation but we suggest that beyond the 8% across-the-board increases already included in this plan, that military pay scales generally are well behind those of their civilian counterparts even when you translate present pay and allowances and other emoluments into a salary basis such as the Hubbell Committee recommended and which the Gates Commission most strongly endorses. We feel therefore the amounts recommended for pay alone are too low to accomplish the objectives.

We shall discuss the Commission's recommendations on the Reserve Forces later on in this paper but while we are on the subject of pure pay a few observations are appropriate. The Commission's basic recommendation concerning Reserve drill pay is to increase it significantly in the lower grades (up to \$2.50 per hour from about \$1.00 an hour now) and lesser amounts in the higher grades. For an individual in the 6th year of service, the current point for initial reenlistment, pay would be increased about 6% over what it is now. The Committee's efforts here were to improve the position of Reserve drill pay compared to other part time employment compensation. To the extent this will affect volunteer enlistments and reenlistments in the Reserve Forces this is a sound move. However, the Commission points out that surveys indicate that as many as 75% of the enlisted personnel on their first enlistment in the Reserve Forces are there because of draft motivation. It seems unlikely that these comparatively

modest pay increases would attract anywhere near enough people to meet this requirement if the draft were stopped.

We shall not comment to any extent on the Commission's discussion of the conscription of physicians. They are quite undecided as to what course should be pursued in this troublesome area. They have made some pay increase suggestions, not funded in their cost figures, which would give a first year doctor \$12,834.00 per year increasing to \$39,995 at 22 years service. They indicate that the reduction in forces now going on plus the medical students already committed to military service gives more time to study the problem and to do some experimenting. We agree—and point out that it will also be necessary to keep a viable Selective Service System going until this and other problems are proven to be solved.

We subscribe to the Commission's opening statement in their chapter on Compensation:

"Pay is not the only, and perhaps not been the primary motivating force for joining or remaining in the military services. A sense of duty, a desire for adventure or travel, society's esteem for the military service, a desire for training, the quality of military life and the general conditions of military service—all affect an individual's decisions." We agree—that's why we question the linear mathematical equation the Commission has used. That's why we think its cost estimates are unrealistically low since the only cost that they have funded is for the basic pay increases. The general conditions of military service and the quality of military life need serious upgrading and this too will cost considerable sums—as will other other needed improvements.

#### OTHER COMPENSATION

If, as the Commission has suggested, pay may not even be the primary motivating force for joining or remaining in the military service, what then is being proposed to improve other areas of compensation that help affect these decisions? The Commission has not made concrete recommendations on some of these key problems.

The Commission has strongly urged the adoption of the so-called "salary plan" of pay for the Armed forces. This would give military pay more visibility and, to the extent that pay motivates, it should be more efficient in attracting and retaining personnel.

The Commission believes that it would be equitable and desirable to give officers and enlisted men the same vested retirement rights that civil service employees currently have. This would involve increasing military pay sufficiently to enable military personnel to contribute 6½% of their salaries annually to their retirement account without any loss in net income. It would introduce partial vesting after 5 years of service and a reduction in the retirement income available in the years prior to approximately the 25th year of service in most cases. The Commission did not, however, include the costs of this part of any pay raise in their estimates of the total cost of the Volunteer Force scheme.

The Commission decided against recommending general increases in such benefits as housing, educational programs, dependent medical and dental care and other items they refer to as "income in kind." They believe that instead individuals in the military should be compensated in cash for these. However, no provision for funding or specific recommendation for providing for these most important areas was made by the Commission. This is another reason why we feel their cost estimates are so fundamentally understated.

The whole area of housing, education, adequate medical and dental care are deserving of more attention than is evident in the Commission's report. For along with pay, among

the tangible rewards, these areas have as much to do with job satisfaction and retention as almost any other factors. Certainly nothing contributes more to family well-being than these vital areas.

Secretary of Defense Laird said it this way in his FY 71 Posture Statement:

"We should improve the quality of education, both military and civilian, to ensure a high degree of professionalism and technical competence through the Department of Defense.

"We should reduce the inherent personal and family hardships of military service life by providing among other things: (a) reasonable sharing of the risks of combat; (b) quality education in overseas dependent schools; (c) adequate housings for all personnel without discrimination, and (d) quality medical care with efficiency.

"Despite budget reductions for almost all DOD activities, the Department has not cut back its request for 4,800 units for family housing for FY 1970. Moreover, we are requesting funds for the construction of another 8,000 units for FY 1971. This program represents an increase of 67 percent over FY 1970 and 86 percent over the average annual family housing construction program for the previous four years."

"I feel strongly that we must increase our efforts to upgrade housing conditions for military personnel. The provision of satisfactory housing for our servicemen and their families is a key factor in career motivation and retention and contributes substantially to improved morale within the Armed Forces."

One of the more puzzling contradictions in the whole Commission report stems from its stated belief, on the one hand, that the quality of military life needs to be improved generally if it is to attract and retain good people, and on the other hand, to recommend against general increases in the very sectors which would materially enhance the quality of military life. This it seems to us is a fundamental weakness in the report.

Surveys suggest that there are a number of reasons why young men and women enlist in the Armed Forces. Foremost among these is the desire to serve the nation and to receive recognition for that service. Patriotism is still an important motivator—and would be even more so with greater national recognition.

If good young people are to be attracted to the service, morale must be improved, job satisfaction must be provided, we must convey a sense of accomplishment and find ways to further enhance self-respect. The optimum would be for the service to satisfy both a desire to serve and the means to return to civilian life better prepared to assume a meaningful role in the community.

The goals can only be met by a major effort on several fronts. We have discussed improved pay. The living and working conditions, and in many instances, the facilities themselves, need immediate improvement. The services must reexamine many of the traditional restrictions on the personal lives of service people to see if living and working conditions cannot be improved. Those unnecessary or unpleasant duties not essential to the mission need careful examination with a view toward eliminating those we can.

Probably more needs to be done in supplying enlistment and reenlistment bonuses and options as well as providing greater post service benefits. Efforts in this latter category have often been studied but never adequately funded.

Finally, the importance of his duty to his country must be clearly evident to the serviceman and he must be given the best tools and equipment available to carry out his missions.

One of the weaknesses of the Commission's report in our view is its insistence of equating military service so directly with civilian employment. There is a considerable differ-

ence between the two and the difference is most important in a morale sense. If the Commission feels, for example, that the great bulk of its young officers or career enlisted men would prefer to rent civilian housing as opposed to being provided even less adequate housing on post, we suggest their survey sample was small indeed.

They have failed to grasp the real importance of these intangible factors of morale and camaraderie that for years have motivated career service people to put up with a life of genteel poverty while serving their country. They take pride in their service and their dedication to the country and pay alone will not motivate this type of individual to a career in the military.

#### RESERVE FORCES

Because about 75% of their first term enlistees are draft motivated, the Commission felt that they should give special attention to the manpower problems of the Reserve Forces. However, in our view, they failed to come to grips with some very basic problems that will have to be solved before any serious thought could be given to moving the Reserve Forces to an All-Volunteer status.

Beyond a modest pay raise, heavily weighted toward the first two years of the initial enlistment, the Commission recommended no other specific actions. They did feel that the Reserves should lower their sights both in terms of numbers and the quality of personnel they take in but beyond that, the Commission seems to feel that there are no insurmountable problems. In its view, as far as the Reserve Components are concerned, modest injections of pay will enable the Reserve Components to reverse the present situation.

This seems to us to be an unusual viewpoint. To begin with, President Nixon has made it abundantly clear on more than one occasion that this country will stand by its international commitments with more than 40 nations. And as the Commission has said, "In the event of a national emergency requiring a rapid increase in the number of men under arms, the first recourse should be the ready reserves, including the National Guard." So it would follow logically we think that if your commitments remain the same and you reduce materially the size of your active establishment, you may very well be talking about increasing the size of your Reserve Components. Certainly you will be placing greater reliance on them.

To assume that a modest increase in pay would permit the Reserve Forces to revert to voluntary enlistments flies directly in the face of all of our previous experience.

If we are realistically to give any consideration to reverting only to volunteer enlistments as the only source of manpower for the Reserve Forces there are a whole host of actions, many of them costing considerable sums, that seem to us to be almost as essential as they are for the active establishment.

First, we must provide the Reserve Forces with the training facilities and equipment they require to conduct meaningful and interesting training. Never in their entire history have the Reserve Forces been adequately supplied with the late model equipments they need for realistic training in anywhere near the quantities they need.

The monies expended for Reserve recruiting will have to be greatly increased.

It would probably be necessary to reduce 1st term enlistment from 6 years, which now calls for 6 months' active duty plus 5½ years in a unit, to 3 years to coincide with the active duty enlistments and be more realistic in an All-Volunteer environment. This, of course, doubles the input figures required. Where you now need 55,000 men each year going into the Reserve Enlistment Program for six years, you would need 110,000 under a 3 year enlistment.

Other possible inducements might include:

1. A reenlistment bonus of \$100.00 or more and a bonus of similar amount for each year of satisfactory service for reservists.
2. Additional awards for reserve service.
3. Extending servicemen's group life insurance coverage to all reservists.
4. Allow credit for all inactive duty points accumulated in computing reservists retirement pay.
5. Medical care for reservists who contract a disease or aggravate an injury during any training period.
6. Provide proficiency pay for enlisted reservists.

The Commission maintains that the draft motivation data (i.e. 75% reservists draft motivated) significantly overstate the problem. It feels that if recruitment is focused on a younger, less well-educated group, than those who now populate the Reserve Forces, the flow of volunteers will be substantially larger than it is now. They do not suggest nor do we believe that this would amount to replacing the 75% figure in question. They feel the Reserves could be reduced by 113,000 (about 1/6th) with no harm to the national defense. Our position is just the opposite. In the present world climate as our active forces are cut back, we feel that we may wish to increase the size of our Reserve Forces while maintaining high standards of personnel quality.

We note with further concern that the Commission has made no provision for the maintenance of personnel currently maintained by all services in the Individual Ready Reserve. This vast reservoir of trained personnel are not only essential in time of national emergency, they are needed almost at once. These individuals are used to bring units of the active Army up to strength as well as to flesh out Reserve units called to active duty. A minimum of 600,000 Individual Ready Reservists are required for the Army manpower pool alone.

#### STANDBY DRAFT

Many of the theories and recommendations of the Gates Commission are subject to test and validation without lessening our security one bit. If Congress can be persuaded to provide the money for the pay increases and other improvements in career living for the military, we can determine whether or not these assumptions are correct and whether we can in effect buy enough volunteers to make conscription unnecessary. All of this can be done without taking the unwarranted risk that would result from terminating the draft as a viable on-going program. We should strive instead for a lengthy period of what Secretary Laird calls "zero draft calls".

The Commission recommends that Selective Service be put on a standby status on 30 June 1971 to be activated only by joint resolution of Congress upon request of the President. This strikes us as the most dangerous recommendation that the Commission has made, for the evidence is clear that the hot breath of the draft is solely responsible for large numbers of those now serving in both the active and reserve forces.

One of the reasons that the Commission recommends that Congressional approval be a prerequisite to the use of Selective Service is to guarantee the propriety of whatever action is under consideration. This seems to us to be a wrong reason.

The implication is that Selective Service legislation provides a vehicle for the Congress to exercise a stronger veto over the foreign policies of the administration. Since this is written in today's world, one draws the conclusion that had Selective Service been on a standby status it might have been possible to keep us out of let's say the Dominican Republic, the Cuban Crisis or most probably Vietnam. Things like the passage of the Gulf of Tonkin resolution, for example, indicate that this line of thought is in error. In any

event, Selective Service legislation has no place in these kinds of foreign policy considerations.

Selective Service legislation comes up for review and extension every four years at least and in recent years it has been under almost continuous Congressional scrutiny with numerous public hearings and great public discussion as witness the introduction of the lottery and the "youngest first" call changes last year.

So we fail to see any validity in this particular recommendation of the Commission. The Commission goes on to state:

"The viability of an All-Volunteer Force ultimately depends upon the willingness of Congress, the President, the Department of Defense and the military services to maintain: (1) competitive levels of military compensation; (2) reasonable qualification standards; (3) attractive conditions of military service".

While the Commission's recommendations suggests a good start on (1) we do not feel that the Committee has made appropriate recommendations nor suggested the funding necessary for (3). Hence, we can only conclude that realistically, our political representatives will not be willing to undertake the fiscal expenditures required for a viable All-Volunteer Force.

Mr. Nixon made it clear that his basic goal was to stop conscripting people as soon as that was feasibly consistent with national security needs. We suggest along with Secretary of Defense Laird that we can do this and leave Selective Service intact. If draft calls drop to zero as a result of the implementation of the Commission's other recommendations, the young men who must register will not really care whether Selective Service is on standby or operational basis.

#### CONCLUSION

What then is the sum and substance of all this discussion? There are many who feel that it should not be necessary to conscript young men to meet the military manpower requirements of the nation. This may be true if we as a nation were willing to do those things and spend the money that would make military service a nationally recognized, prestige career.

However, in the present national climate of frustration with a whole host of problems, we feel strongly that no irrevocable, emotional decision should be made on such a fundamental matter. We must not repeat the mistakes of the past. We cannot reduce the strength of our Armed Forces to the point where they are no longer an effective instrument of national policy.

There is a practical way to prove out not only the feasibility of volunteer forces but at the same time insure that our national defense needs can be met.

This Association feels strongly that it is important to maintain an operational Selective Service System and, at the same time, strive through every practicable means to make military service attractive enough to eliminate the need to actually draft anyone. To discard a viable operative Selective Service System without first clearly establishing our ability to maintain adequate military forces without it, would be to accept a risk to our national security that is both unwise and unnecessary to take.

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore (Mr. RUSSELL) laid before

the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

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

#### COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The PRESIDENT pro tempore (Mr. RUSSELL) laid before the Senate the following letter, which was referred as indicated:

#### REPORT OF NAVY OF RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS OF \$50,000 OR OVER

A letter from the Deputy Chief of Naval Material (Procurement and Production), Department of the Navy, transmitting, pursuant to law, the Department's semiannual report of research and development procurement actions of \$50,000 and over, for the period January 1 through June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

#### FOREIGN BANK SECRECY AND BANK RECORDKEEPING—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 91-1139)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with amendments, the bill (S. 3678), to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with the supplemental views of the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. TOWER), the Senator from New York (Mr. GOODELL), and the Senator from Oregon (Mr. PACKWOOD), and that the committee have until midnight to deliver the copy for printing purposes.

The PRESIDING OFFICER. (Mr. HUGHES). The report will be received and the bill will be placed on the calendar; and, without objection, the report together with the supplemental views 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. HARTKE:

S. 4282. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit for small businesses;

S. 4283. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education;

S. 4284. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973; and

S. 4285. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit; to the Committee on Finance.

By Mr. ANDERSON:

S. 4286. A bill to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Chochit; to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF BILLS

S. 368

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Colorado (Mr. ALLOTT) and the Senator from Arizona (Mr. FANNIN) be added as cosponsors of S. 368, to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

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

S. 3650

Mr. HATFIELD. Mr. President, on behalf of the Senator from Nebraska (Mr. HRUSKA), I ask unanimous consent that at the next printing, the name of the Senator from Arizona (Mr. FANNIN) be added as a cosponsor of S. 3650, to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes.

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

S. 3724

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wyoming (Mr. McGEE), I ask unanimous consent that, at the next printing, the names of the Senators from Nevada (Mr. BIBLE and Mr. CANNON) be added as cosponsors of S. 3724, to amend the Internal Revenue Code with respect to ammunitions recordkeeping requirements.

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

S. 4179

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague from West Virginia, Mr. RANDOLPH, I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of S. 4179, to amend the Public Works Acceleration Act.

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

S. 4238

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of S. 4238, the Universal Enrollment Act.

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

S. 4280

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. Mc-

INTYRE), the Senator from Vermont (Mr. PROUTY), and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors of S. 4260, to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code and to provide for statewide public planning, and for other purposes.

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

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 229

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that at the next printing the name of the Senator from North Carolina (Mr. JORDAN) be added as a cosponsor of Senate Joint Resolution 229, to establish National Good Grooming Week from November 16 through November 22.

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

SENATE RESOLUTION 454—SUBMISSION OF A RESOLUTION RELATING TO TERRORIST ACTS AGAINST DIPLOMATIC AND OTHER FOREIGN PERSONNEL IN LATIN AMERICA

Mr. BYRD of West Virginia. Mr. President, recently there has been a steady increase in cruel and inhumane terrorist activities in Central and South America.

Of particular concern is the recent rash of political kidnapings of foreign officials for extortion purposes. These brutal criminal acts violate all diplomatic concepts as practiced since ancient times.

Political kidnaping is abhorrent to a civilized society, contrary to the interests of world peace, and in violation of the fundamental rights and freedoms of man. Kidnaping used as a political weapon disrupts the efficient performance of functions vital to the comity of nations, and the well-being of their people. It directly affects the security and the domestic stability of the nation in which such an act occurs.

Mr. President, those radicals who intend to destroy governments friendly to the United States would pose dangers to our own national security. The security of the Western Hemisphere relies mainly on the solidarity of our neighboring nations, and the continued stability of their governments. Those who seek to create havoc with the conduct of these relations impair inter-American security.

Political kidnapings are no mere whims of a small band of guerrillas, but a callous and calculated effort to embarrass and destroy free democratic governments.

Since January of 1968, there have been at least 13 major incidents of terrorist acts against diplomatic and other foreign personnel in Latin America. I have asked the Foreign Affairs Division of the

Legislative Reference Service of the Library of Congress to prepare a report describing these incidents in detail, and, at the conclusion of my remarks, I shall ask unanimous consent that the report be printed in the RECORD.

Mr. President, the world is now praying for the safe release of two hostages currently held in Uruguay. When the Uruguayan Government rightly refused to accept the blackmail terms calling for the release of 150 political prisoners, ultra-leftist guerrillas called Tupamaros—fanatics who style themselves after an 18th century Inca chief—kidnapped and executed Daniel Mitrione, an American who was assisting the Uruguayan police in improving their security procedures.

What the fate of the two hostages—Dr. Claude L. Fly, an American agricultural expert, and Brazilian Consul Aloysio Mares Dias Gomide—will be is still unknown.

This morning the Uruguayan police found a new note, the 11th communiqué from the Tupamaros guerrillas. The Uruguayan authorities consider this new note to be an authentic document, and it is the latest one to be received since August 11 concerning the health and safety of Dr. Fly.

The note stated that Dr. Fly and the Brazilian consul are well, and that the disposition of the two hostages has not yet been determined. The note indicated that as long as "measures are being taken against them"—"them" referring to Tupamaros held as prisoners, and "measures" referring to continued questioning—the guerrillas will continue to hold the hostages. This could, however, be interpreted as a change from earlier demands that all prisoners be released.

In addition, the note confirmed an earlier document, which was obtained on August 5, which spoke of dissension within the Tupamaros movement, and the new note reiterated that the two hostages would be executed if the police or military made an effort to seize them.

The country of Uruguay is famous for its beauty. It is a nation small in territory and large in accomplishments. The people are industrious and educated. Poverty is almost unknown. Yet, if the violence of the ultra-left wing guerrillas continues to mount in Uruguay, the democratic government of President Jorge Pacheco Areco might very well fall.

The Uruguayan President has bravely stood his ground. More than 12,000 police and military personnel are now conducting a house-to-house search for the abductors and their hostages.

This is a needed policy, for if these terrorists are allowed to succeed, no foreign official or diplomat will be safe from the harassment of leftists in search of political gains.

The United States has instituted special protective measures, which have not been announced publicly for security reasons, to protect American diplomats stationed throughout Latin America. While this action has been welcomed by the diplomats and their families, it does not diminish or stop the subversive activities. What is needed is unified international agreement and action, so that all radicals will know that kidnaping will

no longer be tolerated, and that political asylum will no longer be given either to political prisoners whose release was in exchange for hostages, or to the abductors.

Mr. President, last June the General Assembly of the Organization of American States adopted a resolution condemning these acts, and at the same time, requesting the Inter-American Juridical Committee of the OAS to draft an inter-American instrument on kidnapping, extortion, and assaults against persons where such acts may have international repercussions. The Inter-American Juridical Committee was to have commenced its work this morning, but due to a procedural problem, it has now postponed its first meeting until August 31. A final report is expected not later than 60 days after this first meeting.

It is hoped that a strong multilateral agreement will be adopted, for it will implement the resolve with which the nations of this hemisphere can work together to prevent further terroristic violence from disrupting the political stability and solidarity of our hemisphere.

On June 26, Secretary of State Rogers spoke eloquently before the OAS, and on this issue said:

I hope this Assembly can deal effectively with terrorism and kidnapping, especially in their international aspects . . . Such acts clearly and distinctly violate the principles governing the conduct of relations between states. We would suggest that the Assembly initiate steps to prepare a new international agreement defining these acts as international crimes and establishing appropriate measures to deal with them.

On August 19, after a special meeting of the Council of Organization of American States, the U.S. delegation issued the following press release, which in essence reiterated the U.S. position taken during the secret meeting:

The United States has and will continue to have deep concern for the safety of U.S. personnel abroad. We have taken and are continuing to take steps to provide greater protection for our personnel overseas and to make it more difficult for kidnapping to take place. The host governments, who have the direct responsibility for the protection of foreign diplomats and consulate personnel, have been as concerned as we. If despite our combined efforts a United States official is nevertheless kidnapped, the U.S. Government determines its policy toward that unfortunate event in the light of all of the pertinent circumstances at the time. We do not, however, ask those governments to meet demands that are considered extreme; to do so would only serve to encourage terrorist groups to kidnap others.

Mr. President, I concur with the statements made by Secretary of State Rogers and the U.S. delegation to the OAS, and I believe the U.S. position deserves the full support of the Senate.

Unless something is done Americans and officials of other countries will continue to be harassed. On August 19, 1970, a group of Tupamaros kidnapped an American, Stephen Spann, held him for an hour, used his car in an attempted robbery, and released him. Although there may not have been any political implications intended in this abduction, the Spann incident does indicate that terrorists continue unabated to endanger

the lives and freedom of Americans abroad.

The OAS Inter-American Juridical Committee will soon begin its work. The United States has presented a position which condemns kidnapping as an international crime, and which calls for appropriate measures to deal with such crimes. However, there could be an effort made by other Latin American governments to neutralize any international agreement which would serve as an effective deterrent against these heinous crimes.

For this reason, the United States must be strong in maintaining a position which would guarantee the safety of governmental and official personnel sent overseas, and thus I am introducing today for appropriate reference a resolution expressing the sense of the Senate that the United States should enter into agreements with other nations relating to measures to be taken against persons who unlawfully endanger the life and freedom of any official of a government of another nation or an international organization, or the life and freedom of a member of his family.

My resolution calls upon the President, as he is now doing, to take such action as may be necessary to secure, at the earliest practicable time, bilateral or multilateral agreements by which each signatory nation would agree to treat all such officials and members of their families with due respect, and to take all appropriate steps to prevent any threat or act which would unlawfully endanger the lives of such officials and members of their families.

In addition, each signatory nation would agree to take all measures properly within its jurisdiction to apprehend and to prosecute or extradite any person who commits, or threatens to commit such a threat or an act against such officials and members of their families.

Each signatory nation would agree—keeping in mind the need to act wisely in safeguarding the lives of such officials and members of their families—either, first, to refuse to accept any political hostages released as a result of such terroristic acts or threats; or second, to capture and hold in confinement for extradition, and to extradite any political hostages released as a result of terroristic acts who might have entered a country illegally.

My resolution also provides that each signatory nation would agree to withhold formal recognition of any government formed by terrorists who have participated in threats or acts endangering such officials and members of their families, and to take all other appropriate measures as may be necessary to deter any further terroristic activities.

This is an important resolution, and it merits early consideration by the Senate.

Mr. President, I submit the resolution, and ask unanimous consent that it, as well as the report prepared by the Library of Congress, be printed in the RECORD.

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

The resolution (S. Res. 454) expressing the sense of the Senate that the United States should enter into agreements with other nations relating to measures to be taken against persons who unlawfully endanger the life and freedom of any official of a government of another nation or an international organization, or a member of his family, was referred to the Committee on Foreign Relations, and is printed in the RECORD, as follows:

S. RES. 454

Whereas the maintenance of international peace and security and the promotion of friendly relations among nations depend on the orderly and effective conduct of relations among nations;

Whereas any threat or act by any person which unlawfully endangers the life or freedom of any official of the government of another nation or an international organization, or a member of his family, is abhorrent to a civilized society, contrary to the interests of world peace, and violates the fundamental rights and freedoms of man;

Whereas any threat or act unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, may affect the security and domestic stability of the nation where such threat or act occurs;

Whereas any threat or act unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, disrupts the efficient performance of functions vital to the comity of nations and the well-being of their people; and

Whereas threats and acts unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, constitute heinous acts which have aroused world rebuke: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should take such steps as may be necessary to secure at the earliest practicable time bilateral or multilateral agreements by which each signatory nation agrees—

(1) to treat all officials of nations and international organizations, and members of their families, with due respect, and to take all appropriate steps to prevent any threat or act unlawfully endangering the life and freedom of any such official or member of his family;

(2) to take all measures properly within its jurisdiction to apprehend, prosecute, or extradite any person who commits, or threatens to commit, any such threat or act against an official of another nation or an international organization, or a member of his family;

(3) consistent with the need to safeguard the lives of such officials, or members of their families, who have been placed in jeopardy by any threat or act unlawfully endangering their lives or freedom, to refuse to grant asylum to any person, and to capture and to hold in confinement for extradition any person, whose release from custody of another nation was achieved by means of any such threat or act;

(4) consistent with the need to safeguard the lives of such officials, or members of their families, who have been placed in jeopardy by any threat or act unlawfully endangering their lives or freedom, to extradite any such person so captured and confined to the appropriate authority of the nation from which he was released following the removal or cessation of any such threat or act;

(5) to withhold formal recognition of any government formed by any person, or group

of persons, who have participated in such threat or act; and

(6) to undertake such other appropriate measures as may be necessary to deter any threat or act unlawfully endangering the lives or freedom of any such official or member of his family.

The report furnished by Mr. BYRD of West Virginia is as follows:

**RECENT TERRORIST ACTS AGAINST DIPLOMATIC AND OTHER FOREIGN PERSONNEL IN LATIN AMERICA**

(By Rieck B. Hannifin)

January 16, 1968, Guatemala, while returning from lunch, U.S. Army Colonel John D. Webber, commander of the 34-man U.S. military group in Guatemala, and Lieutenant Commander Ernest A. Munro, head of the group's navy section, were gunned to death by bullets from a passing car. Two U.S. military enlisted personnel were wounded in the attack. The following day the FAR (Armed Forces of the Revolution), a pro-Castro terrorist group, distributed leaflets throughout Guatemala City claiming responsibility for the assassinations. The leaflets declared that the shooting was to avenge murders by clandestine right-wing organizations which the FAR said received orders from the U.S. military mission.

U.S. Ambassador John G. Mein is said to have believed that the killings were an attempt to force an escalation of U.S. military strength in Guatemala, aimed both at arousing the population against the United States and at diverting U.S. soldiers and equipment from "wars of liberation" elsewhere (in short, Che Guevara's strategy of weakening the United States by creating various Vietnams).

(2) August 28, 1968, Guatemala, U.S. Ambassador to Guatemala John G. Mein was assassinated while enroute in the chauffeur-driven U.S. Embassy limousine from a luncheon at the Embassy residence to his office in downtown Guatemala City. The limousine was forced to the curb by a car, and blocked in from behind by a small truck. Several young men dressed in green fatigue uniforms and armed with at least one automatic weapon scrambled from their car and surrounded the Ambassador's limousine. Ambassador Mein leaped from his car and ran. He was struck in the back by a burst of submachine gun fire and killed instantly.

The following day the FAR issued a communique, given to the newspaper *El Imparcial*, announcing that Ambassador Mein was killed "while resisting political kidnapping as an answer to the capture of commandant Camilo Sanchez of the FAR." Sanchez, believed to have been in command of urban guerrilla units, reportedly was a prisoner in Guatemala City. It is speculated that the FAR sought to kidnap Mein as ransom for the release of Sanchez.

Ambassador Mein, whose life had been threatened repeatedly, knew that he was a possible target of leftist guerrillas. Nevertheless, he spurned a bodyguard, believing that U.S. policy was best served by refusing to give the terrorists an opportunity to boast that they had intimidated the United States. In conversation with friends, he indicated that he would attempt to escape rather than submit to capture and provide the terrorists with an opportunity to humiliate the United States and Guatemalan governments.

(3) September 4, 1969, Brazil, U.S. Ambassador Charles Burke Elbrick was kidnapped by four gunmen who ambushed Elbrick's car in a Rio de Janeiro street near the Embassy as the Ambassador was returning to his downtown office from lunch at the Embassy residence.<sup>1</sup> The abductors drove off with Elbrick, leaving behind the Ambassador's chauffeur, a ransom note, and a homemade

bomb which failed to explode. The note said that the Ambassador was seized because he was "the symbol of exploitation," and demanded the publication of the manifesto and that the Brazilian Government release 15 political prisoners who were to be flown to Algeria, Chile, or Mexico. If the demands were not met within 48 hours, Elbrick would be "executed."

The manifesto was signed by two left-wing terrorist organizations—the MR-8 and the National Liberation Alliance. It declared that they would no longer tolerate tortures, beatings and killings of their members at the hands of the authorities and contained a violent condemnation of Brazil's military regime.

The kidnappers negotiated with the Brazilian Government by notes, left first in an alms box in a church in Rio and then in the suggestion box at a supermarket in suburban Leblon. On September 5, the Brazilian Government agreed to the kidnappers' conditions, and that day broadcast the terrorists' manifesto. The following day, the fifteen specified prisoners were flown to Mexico. The prisoners were a varied group—representatives of student organizations, unions, and peasant groups, and members of the orthodox Brazilian Communist Party as well as representatives from the more radical Castroite, Trotskyites, and Maoist groups. In Mexico, one of the released prisoners, Mario Galhardo Zaccanto, a 22-year-old former medical student, said he had organized eight bank robberies in the state of Minas Gerais to raise funds for the revolutionary movement. Two others, Ivens Marchetti and Onofre Pinto, a former army sergeant, said they had taken part in organizing the killing of U.S. army captain Charles Chandler.<sup>2</sup>

On September 7 Ambassador Elbrick was released by his captors, whom he described the following day as "young, very determined intelligent fanatics" who would have carried out their threat if their demands had not been met.

(4) March 6, 1970, Guatemala, Sean Holly, U.S. labor attache in Guatemala, was seized by two carloads of men armed with submachine guns who intercepted his automobile on a main street of Guatemala City as he returned to the Embassy from lunch. The urban guerrillas, members of Communist Rebel Armed Forces (FAR), held him hostage in the mountains for 39 hours to obtain the release of four of their comrades, threatening to kill Holly if the Guatemalan Government refused. In return for Mr. Holly's release, two imprisoned members of the FAR were released and were given political asylum in the Costa Rican Embassy on March 7. A third, whose release the guerrillas had demanded in the mistaken belief that he was in jail, contacted the Costa Rican Embassy on the morning of March 8 and was given political asylum there. All three were given safe conducts to go to Mexico. The fourth guerrilla on the kidnappers' list was allowed to go to Mexico earlier. Mr. Holly was taken to a church in a working-class district of Guatemala City on March 8 by two guerrillas who turned him over to the priest with a warning that the police not be called for an hour.

(5) March 11, 1970, Brazil, Nobuo Okuchi, Japanese consul general in Sao Paulo, Brazil, was abducted by terrorists while on the way home from his office in Sao Paulo. Three cars forced Mr. Okuchi's car to stop; then armed men threatened the chauffeur, made the consul get out of his limousine, and drove him off in another car. In a ransom note the following day, the kidnappers said they would release Mr. Okuchi after five prisoners had been released from Sao Paulo prison and sent into exile, preferably to Mexico. The ab-

ductors identified themselves as members of the Popular Revolutionary Vanguard, an urban terrorist organization under the leadership of a former Brazilian army captain. They threatened to kill Mr. Okuchi if the five prisoners were not released and if the government did not call off its massive manhunt. Soon after the kidnappers made their demands known, a note from Mr. Okuchi saying he was well and asking for caution by authorities was delivered to the Japanese Chamber of Commerce in Sao Paulo.

That evening, close to the deadline set by the kidnappers, the Brazilian Government announced that it would meet the ransom conditions. The following day, the Brazilian Government agreed to an additional demand—to guarantee all prisoners in Brazilian jails good treatment.

On March 14, the Brazilian Government released the five prisoners and sent them on a Jetliner to Mexico. The prisoners included three self-confessed urban guerrillas and two women. One of the latter is the mother superior of a church-sponsored orphanage in Sao Paulo state who was imprisoned on October 25, 1969, on charges of allowing members of the Armed Liberation Front to use her convent as a base of operations. The other is the wife of a guerrilla leader who had been detained on February 26, 1969, following a raid on her home in which her husband was killed in a shoot-out with the police. Upon arrival in Mexico, the five released prisoners all claimed to have been tortured in prison.

Ten hours after the released prisoners arrived in Mexico, the kidnappers freed Mr. Okuchi unharmed.

(6) March 24, 1970, Dominican Republic, Lt. Col. Donald J. Crowley, United States air attaché in the Dominican Republic, was kidnapped on arrival for his customary 8 a.m. calisthenics on the polo field beside the Hotel Embajador by five or six men in military uniforms and armed with rifles. In a note to the evening newspaper *El Nacional*, the kidnappers identified themselves as members of the United Anti-reelection Command, a group of leftists seeking to block incumbent President Balaguer's attempt to serve another term as President. The kidnappers demanded that 21 prisoners be brought to Santo Domingo's main square by 10 a.m. the following morning, and released in a public ceremony attended by the auxiliary archbishop of Santo Domingo, the president of the university, and the president of the bar association. Lt. Col. Crowley would be released ten hours later. If anything happened to any of the prisoners, the kidnappers vowed to kill Crowley.

The Dominican Government agreed to exchange the prisoners for Crowley, but balked at waiting ten hours for his release and at freeing the prisoners in the Plaza Duarte. With Archbishop Hugo Polanco arbitrating between the Dominican Government and the kidnappers, a compromise was reached whereby 20 prisoners would be placed on board a jet airliner under protection of the Mexican Embassy, with Archbishop Polanco aboard as escort, and the plane would be permitted to depart as soon as Col. Crowley appeared. Crowley was released unharmed on March 26.

(7) March 24, 1970, Argentina, Waldemar Sanchez, Paraguayan consul in the border town of Ituzaingo, was kidnapped in the afternoon while showing his car to a group of prospective buyers in Buenos Aires. The abductors, members of the Argentine Liberation Front (formed in 1968 by militant dissidents of the Soviet-oriented Argentine Communist Party), threatened to kill the consul if two of their members, Carlos Delanave and Alejandro Baldu, were not released by 10 p.m. on March 25.

The following day, President Stroessner of Paraguay arrived in Argentina for a scheduled vacation. That day, the Argentine Government (apparently with Stroessner's approval) refused to comply with the terrorists'

<sup>1</sup> Ambassador Elbrick, recently arrived in Brazil, refused an armed escort, a precaution which his predecessor, Ambassador Lincoln Cordon, regularly took.

<sup>2</sup> Chandler, assassinated in October 1968 in Sao Paulo, was a student of Portuguese and Brazilian history at the university of Sao Paulo. The terrorists claimed he was a CIA agent.

demands. The Government declared that Baldu was not in custody and that Dellanave was a common criminal and would stay in jail. In response, the Front said that Baldu had been either killed by the police or tortured so severely that the government could not release him. Dellanave was shown for ten seconds on television, but his father declared in a news conference that his son had been stripped by police, beaten, and tortured with an electric prod. On March 25 the kidnappers told Buenos Aires newspapers that if the two men were not released, they would execute Mr. Sanchez and "begin the execution of all managers of American business." On March 26 and 27, radio and television stations throughout Argentina declared every half-hour that the Government would not be blackmailed into releasing any prisoners.

On March 28 the kidnappers released Mr. Sanchez unharmed. The group said that it did not go through with its threat "for humanitarian reasons." In their final statement, issued after releasing their hostage, the Front declared that they would now "undertake the execution of an undetermined number of police and officials."

(8) March 29, 1970, Argentina, an attempted kidnapping of two Soviet Embassy diplomats failed when one of the diplomats fell out of the getaway Mercedes and the other was rescued when the car crashed during a police chase. Four men were waiting in the commercial garage used by the Soviet diplomats when Yuri Pivovarov, assistant commercial attaché of the Soviet Embassy, his wife and infant daughter, and another Soviet official and his wife returned from a Sunday drive. The assailants forced the women from the car, subdued Pivovarov, with a blow of a pistol butt, and drove off. The women's screams alerted a police guard, who fired at the fleeing car. A passing police car took up the chase and riddled the Soviet car with bullets. The car collided with another and smashed into a tree. Three of the abductors were injured and captured by the police; the fourth escaped.

The Argentine Government identified one of the captured kidnappers as Deputy Inspector Carlos Boningno Balbuena of the Federal Police's 33d Precinct, a man known for right-wing beliefs. The two others were not connected with the police. A rightist terrorist organization MANO, or Argentine National Organization Movement (Movement) circulated a statement claiming responsibility for the attempted kidnapping and describing the three captured men as "war heroes."

(9) March 31, 1970, Guatemala, the West German Ambassador to Guatemala, Count Karl von Spreti, was forced from his limousine by armed men in downtown Guatemala as he was riding with his chauffeur from his embassy to his home shortly after noon. The FAR claimed responsibility for the abduction and demanded the release of 17 prisoners, among whom were three accused of killing a congressman and three policemen, others accused of taking part in shootings of pro-Government politicians and attacks on military installations, and five who were accused of carrying out the kidnapping of Guatemala's foreign minister Alberto Fuentes Mohr, Guatemalan banker Gabriel Piguria, and U.S. labor attaché Sean Holly. The Vatican Ambassador announced that he had been contacted by the guerrillas to act as intermediary.

On April 2 the Guatemalan Government announced that it would not release any prisoners, and issued a general declaration of war on rebel movements, imposed martial law, and proclaimed a state of emergency. The West German Government issued a protest to Guatemala, saying it could not "accept the decision" against freeing prisoners to obtain the Ambassador's release.

On the morning of April 3, a delegation of foreign ambassadors met with Foreign Min-

ister Alberto Fuentes Mohr to protest the Guatemalan Government's decision not to meet the kidnappers' demand for the release of the 17 prisoners. Meanwhile, in a note to the Papal delegate, the kidnappers increased their price from 17 to 25 prisoners and \$700,000. On the same day, Bonn dispatched a special envoy to Guatemala to press its case. It is reported that West Germany offered to pay the \$700,000 demanded by the abductors. However, that evening the Guatemalan Government renewed its refusal to meet any of the guerrilla's demands.

The kidnappers' ultimatum expired at 3 p.m. on April 4. On April 5, after an anonymous call, von Spreti's body was found in an abandoned house 17 kilometers from Guatemala City with a bullet wound in the temple.

(10) April 5, 1970, Brazil, United States Consul Curtis Cutter was shot in the back when he thwarted a kidnapping attempt in Porto Alegre, Brazil. Cutter, his wife, and a friend were returning to his residence after a late dinner when the path of his car was blocked by another. Several men wearing dark glasses and armed with submachine guns and revolvers jumped out of the car and headed toward the consul's station wagon. Cutter pushed on the accelerator and sped off around the car, hitting one of the men and dragging him on the bumper for several yards. The others opened fire, wounding Cutter a fraction of an inch from his lung. He made it home, while the terrorists picked up their injured man and escaped.

(11) June 11, 1970, Brazil, West German Ambassador Ehrenfried von Hollenben was abducted in Rio de Janeiro as he returned to his residence from the German embassy. Several hundred yards from the residence, a station wagon swerved in front of the ambassador's car. Several terrorists jumped from the station wagon with submachine-guns blazing, spraying the ambassador's car and also hitting a follow-up guard car. The ambassador's police guard was killed, and Von Hollenben was chloroformed, put in the trunk of another car, and taken to a house in the outskirts of Rio.

At the site of the abduction the kidnappers left leaflets which said the ambassador would be returned safely if the government agreed to release an unspecified number of political prisoners. Later communiques from the terrorists demanded the release of 40 specified prisoners and that the government publicize an inflammatory proclamation issued by the kidnappers calling for guerrilla warfare and the overthrow of Brazil's military regime.

On June 15 the Brazilian government met the ransom demanded, flying 34 men and six women to Algiers which had agreed to grant them asylum for humanitarian reasons. Four of the prisoners exchanged (Fernando Paulo Nagle Gabiera, Cid de Queiroz Benjamin, Daniel de Araújo Reis Filho, and Vera Silvia de Araújo Magalhães) had been charged with participating in the earlier kidnapping of U.S. Ambassador Elbrick.

In a press conference after his safe return, Ambassador von Hollenben said that his captors told him they had chosen a West German because the Federal Republic has strong business and investment links with Brazil, which would encourage Bonn to put pressure on the Brazilian Government to meet the kidnappers' demands.

(12) July 31, 1970, Uruguay. In four separate and well-coordinated actions in Montevideo, groups of Tupamaros (Uruguay's Marxist urban guerrillas) abducted a United States official and a Brazilian diplomat, and attempted unsuccessfully to kidnap two American diplomats.

Dan A. Mitrione, former police chief of Richmond, Indiana, and for the past two years head of the U.S. aid mission's public-safety program in Uruguay, reportedly was seized on his way to work by five terrorists who intercepted his chauffeured car and

forced him into their station wagon at gunpoint. During his capture, Mitrione was shot in the chest.

At almost the same moment, Brazil's consul and second secretary of the embassy, Aloysio Mares Dias Gomide, was kidnapped by four gunmen who entered his home disguised as telephone repairmen.

Simultaneously, separate attempts were made to abduct M. Gordon Jones, second secretary of the United States embassy, and Nathan Rosenfeld, the embassy's cultural attaché. Both men managed to elude their abductors after both were struck on the head and slightly injured. According to press reports, Jones was bound hand and foot and shoved into the rear of a pickup truck; he managed to escape by throwing himself out of the moving vehicle, then hobbled to a small store where he asked the owner to call the United States embassy. Details of Rosenfeld's escape have not been published.

In a statement delivered to the newspaper *El Diario* on August 2, the guerrillas demanded as ransom for the two hostages the release of all "political prisoners" (estimated variously from 100 to 150) and that they be sent to Mexico, Peru or Algeria. The communiqué made no mention of the consequences if their demands were not met. The Tupamaros also announced that Mitrione had undergone surgery for his wound and gave details of his treatment.

Uruguay's President Jorge Pacheco refused to "negotiate with criminals" and, instead, the government continued the nationwide search for the two kidnapped men begun immediately after their abductions.

On August 6 the guerrillas set a deadline of midnight August 7 for the government to decide on the release of all political prisoners. Their statement, delivered to a radio station, contained the vague warning that "if there is no official pronouncement by then we shall terminate this affair and do justice." The terrorists' message described Mitrione as "an American spy infiltrated by the government into the Uruguayan state" and Dias Gomide as the "representative of a dictatorship which has tortured and assassinated hundreds of patriotic Brazilians." In reply that evening, President Pacheco reiterated his refusal to bargain with the kidnappers, stating that he was "absolutely in agreement with" the Interior Ministry's refusal to recognize imprisoned guerrillas "political prisoners" and that it was his duty as President to "maintain law, institutions, and the intangible rights of legitimate justice."

Following capture of the Tupamaros' two most important leaders, Raúl Sendic and Raúl Bidegain Gressling, the terrorists announced on the night of August 8 that Mitrione would be executed at noon the following day because President Pacheco refused to release the political prisoners. The next day Dan Mitrione's body, shot twice in the head, was found in a car parked in a Montevideo street.

(13) August 7, 1970, Uruguay, as Uruguayan police and military searched for Mitrione and Dias Gomide who had been kidnapped the week before, terrorists seized Dr. Claude L. Fly, a soil expert working privately on contract to the Uruguayan government. Reportedly, Dr. Fly was meeting with Uruguayan agronomists at his laboratory on the outskirts of Montevideo when a band of armed Tupamaros rushed in and abducted him.

At this writing, Brazilian Consul Aloysio Mares Dias Gomides and Dr. Claude Fly are still in captivity. A Tupamaro communiqué on August 11 warned that if their hideout were found or if the Uruguayan government harmed any Tupamaros it held prisoner, the American and Brazilian captives would be shot.

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

Mr. BYRD of West Virginia. I yield. Mr. DOMINICK. Mr. President, I wish to congratulate the distinguished Senator from West Virginia for bringing this matter to the attention of the Senate.

One of my constituents, Dr. Claude L. Fly, is now a prisoner of the Tupamaros in Uruguay. We have been in touch with his family, his son and wife and daughter, to determine what can be done.

I was pleased to see that in the appropriation bill for State, Justice, and Commerce, which is now before us, there has been added a little over \$1 million to try to give additional protection to our people working overseas in these perilous areas.

However, this does not cover the problem we have in many areas of the world. Dr. Fry was an officer in an independent agriculture organization which, in turn, had been hired by the Uruguayan Government. He was down there as the American representative of that group to try to give assistance in agricultural knowledge and the productive capacity of that country, so he was not an employee of the United States. He was an employee under contract with the Uruguayan Government. That means whatever efforts we undertake—and the State Department has been doing very well on this matter; I must give them an A-plus on this all the way through—have to be through the Uruguayan Government.

This, of course, doubles the number of problems we have.

I sincerely hope that we can start out just exactly as the Senator from West Virginia has been doing, to try to determine some method by which we can provide whatever assistance is necessary to give protection to both people who are trying to help other countries and those trying to carry out orders of this country.

I thank the Senator for what he has proposed. I want to establish myself as being on his team in this effort.

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

#### AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENTS

##### AMENDMENT NO. 856

Mr. DOLE submitted an amendment, intended to be proposed by him, to the amendment—No. 814—proposed by Mr. HATFIELD, for himself and other Senators, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

##### AMENDMENT NO. 857

Mr. BELLMON submitted an amendment, intended to be proposed by him, to H.R. 17123, supra, which was ordered to lie on the table, and to be printed.

#### DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971—AMENDMENT

##### AMENDMENT NO. 858 TO H.R. 18515

Mr. JAVITS. Mr. President, I am submitting for myself and Senator NELSON, an amendment to H.R. 18515, to increase from \$2,046,200,000 to \$2,195,500,000 the appropriations for fiscal year 1971 to carry out the provisions of the Economic Opportunity Act of 1964, an increase of \$149,300,000. The administration originally requested \$2,080,200,000—an amount \$32,200,000 above that requested for fiscal year 1970, and \$132,200,000 above that estimated for fiscal year 1970.

Last year, with the administration's full support, the Congress gave the poverty program a new tenure and a new vote of confidence; it is now essential that the agency be given the funds to implement the policy set forth in the act:

To eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity.

The poor are a nation within our Nation, equal in number to the entire population of Canada, or approximately one-half of that of France or the United Kingdom. In 1969, there were 24,300,000 persons classified as poor, approximately 69 percent of whom were white and 31 percent nonwhite.

While total Federal aid for the poor—which includes welfare payments, food programs, special education programs, manpower programs, and economic development—rose from \$917,000,000 in 1961 to an estimated \$29,700,000,000 in 1970, a substantial amount of the expenditures are in welfare payments. I need not remind the Congress that this same appropriation bill which contains funds for the poverty program at a level of approximately \$2 billion, contains also a so-called uncontrollable expenditure of \$2,540,683,000 for Federal costs for fiscal year 1971 under the welfare program known as aid to families with dependent children, a projected increase of \$409,601,000 above the Federal costs of \$2,131,082,000 in fiscal year 1970.

The poverty program is the only Federal program for the poor which emphasizes self-help and self-involvement on the part of the poor. Accordingly, it is to it that we must look, importantly, if we are to make these "uncontrollable" expenditures controllable in the future years.

Mr. President, in adopting the Economic Opportunity Act Amendments of 1969, the Congress authorized total appropriations of \$2,879,700,000 for fiscal year 1971, some \$684,200,000 more than the total amount which I seek by this amendment.

While there is no question that a full appropriation of \$2,879,700,000 could itself be justified, we have chosen to seek an amount at a level which we believe the Congress can, and indeed, should

reasonably adopt under the current budgetary circumstances and which unquestionably can be put to effective use during this fiscal year.

In fact, the amount which we request that the Congress approve, is the total base amount authorized for last year—fiscal year 1970—under the Economic Opportunity Act Amendments of 1969.

I am aware that in connection with this appropriation bill the Appropriations Committee of the Senate has before it a request by the Office of Economic Opportunity that it be relieved from the earmarking provisions contained in the Economic Opportunity Amendments of 1969.

In light of that fact, I do not consider it appropriate to indicate my preferences at this time as to how the additional sums which I seek should be allocated among the many programs funded under the Economic Opportunity Act.

Mr. President, I defer to the Appropriations Committee on the question of elimination of the earmarking, and should those provisions be retained, then I shall leave it to the best judgment of the Director of the Office of Economic Opportunity and the heads of the other agencies involved as to how these sums which I seek can best be allocated. In that connection, I should underscore the fact that under section 616 of the Economic Opportunity Act of 1964, the Director has the authority as a general matter to transfer up to 15 percent of the amount appropriated or allocated from any appropriation from one program to another, with certain limitations as to the amount that can be added to a program depending on its size. I assume that within that authority the Director would use any additional funds that the Congress might approve, to transfer to the more successful and needy programs.

The administration is to be commended for the efforts that it has made to continue the poverty program and I think that the President deserves credit for his personal commitment to the appropriation request for fiscal year 1971, which, as I have indicated, is in excess of that for the previous year.

Mr. President if we are ever going to arrest the trend in this Nation toward welfare dependency and to alleviate the despair of many of the poor, we must allocate even more funds for these essential antipoverty programs.

We are now merely scratching the surface of need. Even with the increases sought by the administration for this fiscal year, we will reach less than 31 percent of all poor children ages 3-6 who need early childhood education; less than 10 percent of persons who could benefit from manpower programs; only 1.7 percent of the hard-core drug addicts among the poor; only 8.9 percent of those who could benefit from family planning services; only 7 percent of the poor who need legal services; and only 7.3 percent of the migrant and seasonal farmworkers.

I ask unanimous consent that there be included in the RECORD at this point, a table prepared at my request by the Of-

fice of Economic Opportunity, indicating the universe of need for selected poverty programs, together with estimates of the

target population to be reached and the estimated and proposed budgetary amounts for fiscal years 1970 and 1971.

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

UNIVERSE OF NEED DATA FOR SELECTED EOA PROGRAMS<sup>1</sup>

	Universe of need	1970 estimate target population reached <sup>2</sup>	Percent of total	Estimate 1970 obligations	1971 estimate target population reached	Fiscal year 1971 percent of total	Fiscal year 1971 President's Budget
<b>TITLE I, WORK AND TRAINING PROGRAMS</b>							
Job opportunities, concentrated employment, Public Service careers in poverty, 18 to 64	9,000,000	214,700	2.3	\$243,400,000	223,800	2.4	\$219,600,000
In-School, New York City: In poverty, 14-21 and still in school	1,800,000	135,000	7.5	62,400,000	135,000	7.5	62,400,000
Summer, New York City: In poverty, 14 to 21 and still in school	2,450,000	563,000	22.9	121,500,000	683,700	27.9	146,500,000
Out-Of-School, New York City: In poverty 16 to 17 non-high-school grads and out of school	300,000	78,000	26.0	98,000,000	97,300	32.4	134,300,000
Job Corps: In poverty, 16 to 21 non-high-school grads out of school	650,000	60,300	9.2	170,200,000	67,000	10.3	180,000,000
Operation Mainstream: In poverty, 22 and up	12,000,000	21,400	.2	41,000,000	21,400	.2	41,000,000
<b>TITLE II</b>							
Health and nutrition:							
Family planning	5,400,000	440,000	8.1	\$22,000,000	480,000	8.9	\$24,000,000
Emergency food and medical service	4,000,000	1,800,000	45.0	48,800,000	1,800,000	45.0	33,000,000
Drug rehabilitation, hardcore addicts plus estimate of youths experimenting with drugs	120,000	3,500	2.9	4,500,000	2,000	1.7	3,000,000
Alcoholic counseling and recovery	800,000	20,000	2.5	\$9,000,000	35,000	4.4	4,000,000
Comprehensive health services	24,300,000	1,200,000	4.9	74,000,000	1,600,000	6.5	110,000,000
Legal services	4,500,000	800,000	16.0	953,040,000	850,000	7.0	63,400,000
Community action operations program:							
Neighborhood service systems	24,300,000	3,100,000	12.7	107,000,000	3,100,000	12.7	105,000,000
Youth development programs	3,300,000	1,488,000	45.1	32,000,000	1,000,000	30.0	30,000,000
Senior opportunities and services	6,250,000	700,000	11.0	6,800,000	800,000-900,000	12.0	7,800,000
Early childhood development:							
Headstart: Children aged 3 to 6	1,300,000	488,500	34.5	326,000,000	403,700	31.0	339,000,000
Parent and children centers: Families with at least 1 child under age 3	850,000	2,000	.2	(3,000,000)	2,000	.2	(5,500,000)
Follow through: Primary grade school children	430,000	62,000	14.4	70,300,000	77,300	17.0	69,000,000
<b>TITLE III-B</b>							
Programs for migrants and seasonal farm workers, total	3,900,000	284,000	7.3	30,900,000	286,500	7.3	35,500,000

<sup>1</sup> Data compiled from the "Justification of Appropriation Estimates" FY 1971, prepared for the Congressional Committees on Appropriations May 1970.

<sup>2</sup> Total program enrollees.

<sup>3</sup> Estimates include 100 projects with a 10,000-person capacity which will be initiated but which will not require refunding until fiscal 1972.

<sup>4</sup> Per year estimate for legal services.

<sup>5</sup> Cases served.

Mr. JAVITS. Mr. President, I shall now indicate a program by program justification for the additional funds which I have requested.

## EMERGENCY FOOD AND MEDICAL SERVICES PROGRAM

Under Section 222(a)(5) of the Economic Opportunity Act of 1964, the emergency food and medical services program is designed to:

Provide on an emergency basis, directly or by delegation of authority pursuant to the provisions of Title VI of this Act, financial assistance for the provision of such medical supplies and services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance as may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve economically disadvantaged individuals and families where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. . . . (emphasis added)

Accordingly, in his historic message to the Congress on May 6, 1969, pledging to "end hunger in America for all time," the President coupled an expansion of the food stamp program with a request that the Director of OEO:

Redirect OEO funds into the Emergency Food and Health Service program to increase its food, health, and sanitation services for our most depressed areas. Presently, health and sanitary conditions in many of our most depressed counties are so poor that improved food services alone would

have little impact on the nutritional health of the population. The Emergency Food and Health Service has provided invaluable services in aiding these areas, and its good work should be substantially expanded.

The administration has requested only \$33,000,000 for the emergency food and medical services programs for fiscal year 1971, an amount which is \$15,800,000 below the estimate for fiscal year 1970.

Substantially increased funds are necessary to provide the food, health, and sanitation services to which the President referred and to supplement and aid in the outreach of the food stamp and commodity programs. For, even under administration's plans for expansion of those two programs, total participation over the next 2 years will reach only approximately 17,500,000 of the 24,300,000 poor.

As of April 1970, the food stamp and commodity distribution programs reached only about 9,500,000 persons; in fact, the current participation rate in food stamps and commodity programs is lower than 30 percent in 18 of the Nation's 50 States.

I ask unanimous consent that there be included in the RECORD at this point a table submitted by the Select Committee on Nutrition and Human Needs, of which I am the ranking minority member, indicating the percentage of the poor in each State who are receiving either food stamps or commodities.

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

State	Percentage of poor in food stamp program	Percentage of poor in commodity distribution program	Total percentage in programs
Alabama	16.3	27.5	43.8
Alaska	76	—	76
Arizona	—	47.0	47
Arkansas	28	3.0	31
California	41	14.5	55.5
Colorado	48	—	48
Connecticut	53	6.4	59.4
Delaware	—	56.0	56
District of Columbia	25	—	25
Florida	1.4	28.0	29.4
Georgia	11	19.0	30
Hawaii	24	—	24
Idaho	—	26.0	26
Illinois	36	—	36
Indiana	18	11.0	29
Iowa	24	1.7	25.7
Kansas	.7	13.0	13.7
Kentucky	28	10.0	38
Louisiana	38	5.6	43.6
Maine	5.7	52.5	58.2
Maryland	28	4.5	32.5
Massachusetts	.12	32.5	32.62
Michigan	29	8.0	37
Minnesota	21.5	4.1	25.6
Mississippi	37	15.5	52.5
Missouri	7.4	28.0	35.4
Montana	28	19.5	47.5
Nebraska	21	1.2	22.2
Nevada	—	25.0	25
New Jersey	41	—	41
New Hampshire	—	2.5	2.5
New Mexico	63	19.0	82
New York	5.4	40.0	45.4
North Carolina	11.5	13.0	24.5
North Dakota	15.5	18.0	33.5
Ohio	37	2.1	39.1
Oklahoma	—	57.0	57
Oregon	19	63.0	82
Pennsylvania	28	1.5	29.5
Rhode Island	42	—	42
South Carolina	27	—	27
South Dakota	16	20.0	36
Tennessee	27	3.3	30.3
Texas	6.2	15.0	21.2
Utah	26	—	26
Vermont	36	—	36
Virginia	11	6.3	17.3
Washington	80	—	80
West Virginia	52	—	52

State	Percentage of poor in food stamp program	Percentage of poor in commodity distribution program	Total percentage in programs
Wisconsin.....	16.5	13.0	29.5
Wyoming.....	33	6.9	39.9
Total.....	22	14.0	36

Note: Based on USDA commodity distribution figures for March 1970, and USDA food stamp figure for April 1970.

**Mr. JAVITS.** Mr. President, as indicated by Robert Choate, one of the leaders in bringing the "hunger issue" to national attention, in testimony before the House Committee on Appropriations on June 12, 1970:

To get food delivered to the blind; to carry food up six flights of stairs to the aged crippled; to truck commodities out to the end of a Kentucky hollow; to transport Indian families both to the trading post and to the commodity warehouse while the mother attends a nutrition class in Navajo; to buy food stamps in counties where many families have zero income; to visit door-to-door urging people to enroll in the school lunch program; to alert mass media of the need for nutrition education and public service spots commodity and food stamp benefits; to seek innovative methods of packaging and combining foods for those unable to make full use of the commodity package; to urge mothers to feed their infants better baby foods; to update cultural customs once based on good nutritional practice but today impaired by lowered food values; to invite inspection of water sources and parasitic infections; to pay for a doctor's care when the malnutrition is evident; to generate interest in apathetic communities over the plight of the hungry—all these are the rewards of a vigorous Emergency Food and Medical Services program.

If only the requested \$33,000,000 is appropriated, OEO will not be able to fund any new emergency food and medical services programs for fiscal year 1971.

#### PRESCHOOL EDUCATION AND CHILD CARE

In his February 19, 1969 message to the Congress on economic opportunity programs, the President stated:

Much of our knowledge is new, but we are not on that ground absolved from the responsibility to respond to it. So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

The administration has underscored that commitment by requesting \$339,000,000 for the Head Start program for fiscal 1971, an amount some \$13,000,000 greater than the \$326,000,000 estimated for fiscal year 1970.

With this new commitment of the administration, has come a desire to shift the emphasis from summer to full year Head Start programs. A full opportunity now costs approximately \$800 per child more than for an opportunity in a summer program, and as a result of the change in emphasis, fewer children can be served. In fiscal year 1969, 664,000 children participated in the program. The number declined to 488,500 in fiscal year 1970. The administration's request for fiscal year 1971 would provide opportunities for only 403,700.

This last figure is less than one-third

of the total estimated Headstart target population of 1,300,000 disadvantaged children between the ages 3-6.

Mr. President, the effects of early childhood neglect have become increasingly apparent over time and the need for programs to enhance the development of young children has been a matter of national concern.

Also of great importance is the "Follow-Through" program, which focuses on the education of disadvantaged children in the early primary grades. The program is designed to sustain and supplement the gains made by children from Headstart or similar preschool programs. Follow-Through programs are coordinated with Headstart in many of the same communities so that a continuum of intensive education is established for children from age 3 or 4 to the third grade. It is correct to say that there is a very close and necessary relationship between Headstart and Follow-Through and the success of both.

The Office of Economic Opportunity has requested \$69,000,000 for this program for fiscal year 1971, a net decrease of \$1,300,000 from the estimate for fiscal year 1970. These funds will provide opportunities for only 77,300 children and will permit the addition of only a few new projects.

The OEO justification of appropriations estimates that for 1971 there will be 430,000 full year Headstart and other quality year-long preschool program graduates. It is clear that 77,300 opportunities will be inadequate given the needs of the poor and the existing importance of the relationship between Follow-Through and Headstart.

As noted in the table prepared by the Office of Economic Opportunity, placed in the RECORD, only 17 percent of the "target population" for the Follow-Through program will be reached in fiscal year 1971 with the funds requested by the administration.

Mr. President, the administration has made a significant commitment to the development of child care facilities through its proposed Family Assistance Act. However, even the 450,000 opportunities that are to be provided under that act will be inadequate to the overall need. In 1969, there were an estimated 3,500,000 children ages 3 to 13 in poor families and there are now approximately 600,000 child-care spaces available in licensed facilities in the entire Nation.

Accordingly, the efforts now being taken by the Office of Economic Opportunity to assess the exact needs for child care and to develop new approaches in meeting those needs are crucial if we are ever to close the child-care gap. The Office of Economic Opportunity will allocate \$20,000,000, its budget request for fiscal year 1971, for this purpose. The Congress should appropriate additional amounts so that even further efforts may be undertaken.

In that connection, I ask that there be printed in the RECORD a letter dated August 3, 1970 from the Office of Economic Opportunity detailing a number of the efforts being made in this crucial area.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,  
August 3, 1970.

Hon. JACOB K. JAVITS,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR JAVITS: I am writing to give you a progress report on the present status of the Office of Economic Opportunity activities in the day care area. We would be pleased to arrange for an additional oral briefing if you feel this would be desirable.

The national survey and analysis of existing day care efforts has been commenced as outlined in my letter of March 11. From this project of our Office of Research and Evaluation, we are to have in hand by October a set of six in-depth community case studies and by November an extensive reference compendium on Federally-assisted day care programs. A national probability sample of some 55 communities will be drawn and field interviews conducted this fall with operators of some 400 or more day care centers and day care homes and with nearly 3,000 users and nonusers of day care services. The interview results will be processed and analyzed during the winter months and a final report on the whole survey project is due from the contractor in March of 1971.

The "state-of-the-arts" study by our Office of Research and Evaluation is also well underway and the compilation of material on child development needs, program content, supportive services, and a number of other topics is scheduled for completion by November.

The summer workshop on child development and day care is now in progress at Airlie House. The Office of Economic Opportunity and HEW's Office of Child Development have worked jointly in support of this effort, with actual project supervision by OCD. A series of publications will be available this fall as a result of the workshop effort.

In addition to these three projects, which were outlined in our March 11 letter, the Office of Economic Opportunity has also launched the following projects under the supervision of its Office of Program Development:

(a) A day care policy studies group to perform analyses on problems such as facilities, staff training, financing, methods of service delivery, and the role of the private sector. The Institute for Interdisciplinary Studies in Minneapolis, a nonprofit organization, was selected to carry out this research and analysis over a period of 18 months and is already at work.

(b) An exemplary day care project which is studying some 40 notable day care centers selected for one or more outstanding qualities of program concept and delivery. On the basis of a thorough on-site evaluation of these facilities, some 20 models of programs or major components of programs will be developed and made available to the day care community. The evaluation phase of the project is now under way and all field work is scheduled for completion by December 31.

(c) The feasibility/design phase of an impact project in comprehensive Federally-supported day care. This is now fully underway through the efforts of the grantee for this phase (Center for the Study of Public Policy, Cambridge, Massachusetts). The impact project itself is now envisioned as an economic, social, and educational experiment to be conducted in two urban communities, adopting an entitlement (voucher) system in one and a project grant approach in the other. The current study phase, which is to be completed by the end of the current year, would then be followed by the planning grants to the two selected communities and the initiation of the full-scale operational experiment thereafter.

The following project in the State of Vermont was also supported by the Office of Economic Opportunity in Fiscal Year 1970 by transfer of approximately \$1.1 million to the Department of Health, Education, and Welfare: the day care portion of a large-scale, rural-emphasis family assistance demonstration. This day care expansion project is under the supervision of the Office of the Secretary, HEW, and the Office of Child Development, HEW.

Detailed planning for the Fiscal Year 1971 Office of Economic Opportunity day care research and development program is still in process, but the following projects are under active consideration:

(1) A day care licensing study. This project would be supported by the Office of Economic Opportunity and carried out through the Office of Child Development, HEW. It would cover State and local practices in the regulation of day care facilities, particularly with regard to time and cost considerations associated with securing approvals for new or expanded facilities.

(2) Establishment of a number of demonstration centers intended to show how day care services can be delivered in different locales under a variety of auspices. These centers would be intended to complement those identified in the exemplary day care project.

(3) Establishment of a clearinghouse to utilize imaginative techniques to get good current day care practice into the hands of new project operators and to disseminate the results of our other research and analysis findings.

(4) Establishment of a series of experimental or differential day care centers to compare the relative impact of different types of child care programs when carried out under optimal conditions.

(5) Conduct of a combined effects experiment to examine the impact of income maintenance, manpower training, and day care on various economic decisions and behavioral patterns of families. (This project was mentioned in our March 11 letter.)

(6) Conduct of a day care facilities study directed toward the improvement of the physical environment of day care centers and the creation of new design principles.

Please let me know if you need additional information of any of our current day care activities or project plans.

Sincerely,

CAROL KHOSROVI,  
Associate Director for Congressional and  
Government Relations.

#### SPECIAL IMPACT PROGRAMS

Mr. JAVITS. Mr. President, under title I(D) of the Economic Opportunity Act, which I had the opportunity to author with the late Senator Robert Kennedy, funds are provided for programs focusing on particular poor and geographically limited areas, attacking problems of economic development, as well as social problems. The first such project, established in my home area of Bedford-Stuyvesant, in New York City, has shown the success of this kind of approach to the problems of poverty. Under this program, the people of Bedford-Stuyvesant have developed 10 on-going projects. Among their accomplishments has been the renovation of approximately 1,000 homes since the program began, and the training and placement of some 400 previously hard-core unemployed.

The administration has sought \$32,100,000 for this essential program for fiscal year 1971, a decrease of \$4,700,000

from the \$36,800,000 estimated for fiscal year 1970.

In May 1970 appropriations estimates, submitted to the Appropriations Committee, the Office of Economic Opportunity indicates that the \$32,100,000 request will be used as follows: \$20,500,000 will be allotted for Community Development Corp. programs, under the traditional model such as is exemplified in Bedford-Stuyvesant; \$7,000,000 will be used for an Opportunity Funding program, testing the use of leverage to provide more capital to low-income communities; and \$2,500,000 shall be applied to a new mechanisms program, designed to bring the resources and expertise of several agencies together to improve the design and potential impact of economic development programs. The remaining amount would be used for research, technical assistance, and program administration.

Mr. President, we cannot afford to let lapse existing efforts which have proven so successful. They should be expanded, instead. Much more than \$20,500,000 indicated for community development programs will be needed in fiscal year 1971 to refund existing programs and to fund new programs that may be established as the result of seven planning grants funded in fiscal year 1970.

Moreover, of the 15 largest cities in the Nation—containing many pockets of poverty—only seven have received assistance under the special impact program operated by the Office of Economic Opportunity.

There is ample evidence that a number of community-based groups would qualify for assistance in these major cities were funds available; in fact during fiscal year 1970, when more funds were available, more than 170 applications, totaling \$40,000,000 went unfunded.

#### LEGAL SERVICES PROGRAM

Mr. President, no program is more vital to the poor than the legal services program. As John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defenders told members of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare last November 14:

I think this is terribly important. I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institutions, in lawyers, in the law, in the court system, and as a result, when their own rights are not honored it is not too surprising, I think, that they riot in the streets and that there is violence on our campuses. What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife-torn campuses, in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can be aired, where their position can be set forth.

The administration requests \$63,400,000 for this program—an increase of \$9,600,000 over fiscal year 1970—but even at that level the program will serve only a fraction of the poor. As noted in the table prepared by the Office of Economic Opportunity and placed in the record, the program will reach only 7 percent of the 5,000,000 poor who require legal services. In fact, if the poor were to have the same number of lawyers as the population as a whole, there would have to be 50,000 lawyers serving the poor rather than the 4,000 now working in programs funded by OEO and other sources.

In spite of the substantial increases allotted to the Legal Services program, large areas of the country with the heaviest concentration of poverty have no or extremely limited legal services programs for the poor. There is only one program in Alabama, Delaware, and Maryland; there are only two programs in Arkansas, Kentucky, Mississippi, Minnesota, Nebraska, and Virginia; and there are only three in Georgia, North Carolina, South Carolina and Kansas. A large number of rural areas are without legal service. Yet under the current fiscal year 1971 budget request OEO plans to initiate only a few new programs. Clearly, more funds are needed to expand meaningfully beyond the current inadequate level of operations.

#### VOLUNTEERS IN SERVICE TO AMERICA

One of the most exciting and effective antipoverty programs, VISTA, is hampered by lack of funds.

VISTA was conceived as a domestic Peace Corps, providing volunteers to work with public and private nonprofit organizations in their efforts to assist the poor. Through this program, concerned Americans are given the opportunity to live and work directly in poverty neighborhoods.

The administration has requested \$38,500,000 for this important program—a \$3,500,000 increase over the estimate for fiscal year 1970—and thus there will be only a nominal increase in the number of volunteers. OEO estimates that the average number of VISTA volunteers in the field will rise from 4,700 to 4,900 in fiscal year 1971, but that the end of fiscal year volunteer strength will level off to approximately the same as in fiscal year 1970—6,051.

Our overseas Peace Corps has a projected fiscal year 1971 strength of 10,000. A nation like ours must be able to support antipoverty efforts at home equal to those it sponsors around the world.

Mr. President, recently I met with a number of VISTA volunteers who came to Washington to express their position on the direction of the VISTA program and to underscore the need for greater congressional support for the program. I was impressed by their sincerity, enthusiasm, and sense of purpose.

Congress can recognize the significance of this plea of these young people by supporting the additional amounts needed for the poverty program generally, and thus making available additional funds for the VISTA program.

## SENIOR OPPORTUNITIES AND SERVICES

The administration has requested a total of \$7,800,000 for fiscal year 1971 for the senior citizen program under section 222(a) of the act—an increase of only \$1,000,000 over the \$6,800,000 estimate for fiscal year 1970.

The senior opportunities and services program is designed to identify and meet the special economic, health, employment, welfare, and other needs of persons above the age of 60 in projects which serve or employ older persons as the exclusive or predominant participant or employee group. The projects aim at dealing with the specific problems of the older poor that cannot be met practically by more general programs designed to serve all or younger age groups. The program supports a wide variety of projects, ranging from those with specialized goals such as job training, to those with highly generalized purposes, such as community outreach and socialization-recreation. Currently, there are 217 such projects in 45 States which employ, serve, or involve older poor people.

The requested amount is expected to reach between 800,000 to 900,000 elderly persons. This is only 12 percent of the "target population" for this program—which includes more than 6,250,000 persons.

The inadequacies of the present budget request are obvious, and it is clear that appropriations should be substantially increased.

## YOUTH PROGRAMS

Mr. President, there are an estimated 3,100,000 youths, aged 14 to 21, in poverty. For many, the usual problems of youth are exacerbated by discrimination, insufficient education, and growing pressures of a complex, urbanized society. The youth in poverty often has been forced, for economic and other reasons, to leave school without a high school diploma to enter the job market, and once in the job market, he is frequently out of work.

There are a multitude of Federal efforts directed at or directly related to the alleviation of the education, employment, and other needs of disadvantaged youth, yet it is clear that much more must be done for this sector of the poor population. For example, out of the 2,450,000 youths eligible for the special summer and youth programs, only 1,000,000 were reached during fiscal year 1970. In the coming fiscal year, OEO estimates that under its new budget requests, there will be a decrease of 200,000 youths reached.

## COMPREHENSIVE HEALTH SERVICES

Under section 222(a)(4) of the Economic Opportunity Act of 1964 a special program of comprehensive health services is authorized to focus upon the need of urban and rural areas having high concentrations or proportions of poverty and marked inadequacy of health services for the poor.

To provide comprehensive health services to the poor, OEO has established a

new health care delivery system—the neighborhood health center. Each center provides high quality, personalized, continuous health care by offering services for the entire family at conveniently located facilities. Various ambulatory services are provided under one roof also.

The administration has requested a total of \$110,000,000 for fiscal year 1971, an increase of \$36,000,000 above the \$74,000,000 provided for fiscal year 1970.

As in the cases of the other increases, however, it must be considered against the backdrop of total need. Of the 49 original neighborhood health centers, 34 still have not reached what OEO terms "a fully operational and mature level." Dr. Thomas Bryant, Director of OEO's Office of Health Affairs, has estimated that it would require between approximately 600 and 800 neighborhood health centers in the United States to adequately provide health services to the poor. Information received from the Office of Economic Opportunity indicated that last year there were more than 200 applications that went unfunded and which would have required an appropriation of \$400 million to meet.

As indicated in the table prepared by the Office of Economic Opportunity, which was placed in the record, the requested amounts will enable the program to reach only 6.5 percent of the 24,300,000 poor who could benefit from health services.

## ALCOHOLIC RECOVERY

Mr. President, last year the Congress, upon the initiative of Senator HUGHES, included in the 1969 amendments to the Economic Opportunity Act a provision establishing a new alcoholic counseling and recovery program. The amendments reserved \$15,000,000 for fiscal year 1971 for that purpose.

Under the administration's request the program would be funded at a level of \$4,000,000—an amount \$5,000,000 less than funding for fiscal year 1970 and \$11,000,000 less than the amount which the Congress clearly deemed necessary. The justification submitted to the Appropriations Committee by the Office of Economic Opportunity explains that many of the programs initiated late in fiscal year 1970 will not require funding until fiscal year 1972.

Alcoholism ranks as the third major health problem in the Nation, and afflicts an estimated 800,000 poor persons each year. Yet the estimated capacity of OEO's alcoholic counseling and recovery projects for 1971 is only 35,000, or approximately 4.4 percent of the target population. It is essential that funds be increased to a level sufficient to provide additional funds to start new projects under this program.

## DRUG REHABILITATION

Last year the Congress also adopted an amendment proposed by Senator DOMINICK for a new drug rehabilitation program, indicating a reserve as in the case of the alcoholism program, of \$15,000,000 for fiscal year 1971.

Under the proposed budget, \$3,000,000 would be provided in fiscal year 1971, a

decrease of \$1,500,000 from the amount requested for fiscal year 1970, and \$12,000,000 short of the amount which the Congress determined should be reserved.

Again, it is asserted that programs begun late in fiscal year 1970 will not have to be refunded before fiscal year 1972.

However, the projects now funded will serve only 2,000 persons while there are at least 120,000 hard-core heroin addicts among the poor—and the rate of drug experimentation among poor youth is rising.

Mr. President, the tragedy of drug addiction has terrible consequences for more than just the user and his individual family. Addiction fosters crime which menaces entire communities. And again it is the poor who bear most of the burden. Residents of poverty communities are victimized by such crime more frequently than other groups, with resulting serious loss of income and opportunities.

The Congress should increase the appropriations so as to afford greater funding for this program.

## FAMILY PLANNING

The administration has requested \$24,000,000, an increase of \$7,400,000 over the amount estimated for fiscal year 1970 for this important program.

Even with this increase, the fact remains that at this program level, only 48,000 or 8.9 percent of the 5,400,000 medically indigent women in the Nation will receive the services provided.

A OEO survey has revealed that family planning services are available in only 1,200 of the Nation's 3,072 counties.

## MERCHANTS AND SEASONAL FARMWORKERS

Through the efforts of Senator MONDALE, chairman of the Migratory Labor Subcommittee of the Labor and Public Welfare Committee, members of that committee, and others in the Congress, the plight of 3,900,000 migrants and seasonal farmworkers in the Nation is receiving the increasing recognition of the public at large.

Persons working as migrants and seasonally employed farmworkers rank second only to the American Indians in terms of severe deprivation and intergenerational poverty.

In light of the recognition—which I think parallels the discovery of hunger in America—the Office of Economic Opportunity seeks to increase the appropriation for this program by \$4,600,000 over last year, in order to provide a total of \$35,500,000.

However, funding at even that expanded level will serve only 286,500—or only approximately 7.3 percent—of the 3,900,000 migrants and seasonal farmworkers in the "target population."

## AMERICAN INDIANS

There is no more disadvantaged group than the American Indian. The conditions which cause so much suffering among the other low-income groups are many times worse in the Indian experience. Unemployment among Indians frequently ranges from 40 to 50 percent and on some isolated reservations ap-

proaches 90 percent of the available work force. Indian health is notoriously poor, with unjustifiably high mortality rates. Housing is a critical need, as is education.

Almost 80 percent of the 400,000 American Indians who live on Federal reservations are poor. In addition there are almost 400,000 Indians living away from these Federal areas. Thus the universe of need is estimated at approximately 700,000 hard-core poor, of whom approximately 391,000 are eligible for special OEO reservation anti-poverty programs.

OEO indicates that 370,000 of a total target population of 391,000 Indians will be reached generally under all Economic Opportunity Act programs on Federal reservations in fiscal year 1971. It is clear that in particular areas much more must be done than can be done under existing funds. For example, in the area of education, only 9,500 Indian children of a total universe of need of 30,000 will be reached by Head Start in FY 1971. Similarly, the Federal Government must do more to reach those many Indians residing in State reservations and in rural or urban enclaves.

#### RURAL POVERTY

In 1969, 8,200,000 persons—more than one-third of the Nation's poor—were living in rural areas.

Deprivation is much more common among the rural population than in the Nation as a whole, except for the rural nonfarm fringes of metropolitan areas. Approximately 22 percent of all farm families and 23 percent of rural non-farm residents outside metropolitan areas have an income standard below the poverty line.

The effects of rural poverty are manifested daily in the large-scale migration to the cities and the resultant problems of poverty in those cities.

The Office of Economic Opportunity has advised that funds allocated to meet the problems of the rural poor have increased from 26 percent of the total in fiscal year 1969 to 31 percent of the total under the projected expenditures for fiscal year 1971. Yet, the greater number of rural poor will be untouched by such essential programs as Comprehensive Health, where only 170,000 of the 3,400,000 rural poor in the target group will be reached.

In an effort to stimulate economic development of the rural areas and thus raise the standard of living for the rural poor, Economic Opportunity Loans are provided under title III-A of the amended Economic Opportunity Act of 1964. These loans furnish low-cost credit, backed up by technical assistance and supervision, and are designed to assist low-income rural families in establishing small nonfarm enterprises, and enable poor farmers to combine basic real estate, machinery and equipment purchase in one loan flexibly tailored to meet limited resources.

The estimated universe of need for this program is 2,500,000 families. The OEO budget request for fiscal year 1971 allots only \$500,000 to replenish the roughly

\$90,000,000 in the revolving loan fund. This represents a decrease of \$5,400,000 from fiscal year 1970.

#### COMMUNITY ACTION AGENCIES

Mr. President, the special emphasis and other programs mentioned owe their successful operation, and in many cases, their origin, to the real backbone of the poverty program—the community action agencies. This program is designed to make possible the structure through which the process of community action is carried out and to enable each community to tailor its total antipoverty program to its people's needs. At the community level, funds are provided for staff to plan, coordinate, develop, and manage antipoverty programs.

The administration has requested \$384,600,000 for fiscal year 1971, for community action operations, of which a portion is for local initiatives. This is an increase of only \$2,500,000 over the fiscal year 1970 figure of \$382,100,000. However, if the additions to the fiscal year 1971 funds for State offices are subtracted from this overall figure, then the total appropriation request for the community action operations programs is actually only \$379,600,000, a decrease of \$2,500,000 from the fiscal year 1970 request.

A review of some of the activities that come under the heading "Community Action Operations" programs suggest that a number of critical efforts will be cutback or merely maintained at last year's level:

The number of community action agencies will decrease from 1,003 in fiscal year 1970 to 1,000 in fiscal year 1971.

The funds for community action mission performance, which includes all the substantive functions of the CAA directed toward advancing the goal of community action, other than the actual running of service programs and traditional administrative services, will remain at the same level of \$60,000,000 for fiscal year 1971.

The funds for community programming, which includes all the many programs sponsored by individual CAA's, ranging from manpower and education to housing development corporations and emergency financial assistance, will remain at the same \$87,000,000 level for fiscal year 1971.

The funds for the neighborhood services systems will decrease from \$107,000,000 in fiscal year 1970 to \$105,000,000 in fiscal year 1971. This program establishes centers which offer on a regular basis a variety of different activities not relating to specific programs but dealing with the more general functions of intake, initial assessment, referral, and program placement. The neighborhood centers are the structure for developing and delivering antipoverty programs at the neighborhood level and are the primary vehicle for involving the poor.

Because of the requested \$2,000,000 decrease for fiscal year 1971, the number of poor reached by the Neighborhood services system will remain at 3,100,000 in fiscal year 1971—only 12.7 percent of the total population of 24,300,000.

The Congress must recognize the crucial role played by the community action agencies in the overall poverty campaign.

#### MANPOWER PROGRAMS

Mr. President, the Committee on Labor and Public Welfare, of which I am the ranking minority member, has reported legislation which would greatly revamp and improve the manner in which manpower services are delivered to those whom they are designed to benefit.

As I firmly believe that manpower funds will be put to the most effective use under the new plans set forth in the proposed legislation, and that training efforts are a vital part of our efforts to combat poverty, I recommend that the Congress grant the full appropriations requests for these programs, which are contained in two sections of this appropriation bill.

The first part consists of manpower programs authorized under the Economic Opportunity Act of 1964, and administered by the Departments of Labor and Health, Education, and Welfare. They include the job opportunities in the business sector program—which has so successfully involved the private sector in efforts to combat poverty—and such other programs as the Neighborhood Youth Corp summer and out of school programs, the Job Corps, the public service careers, and the concentrated employment program.

The Office of Economic Opportunity has requested a total of \$802,000,000 for these programs under the authority of the Economic Opportunity Act to provide a total of 647,240 opportunities. This represents an increase of \$48,100,000 and 51,040 opportunities over fiscal year 1970, when \$753,900,000 and 596,200 opportunities were made available.

The second part consists of the request of the Department of Labor under the authority of the Manpower Development and Training Act of 1962, an additional source of funding for many of the same programs which I have mentioned. A total of \$747,494,000 has been requested, to provide approximately 336,600 opportunities. This represents an increase of \$96,367,000 and a decrease of 48,800 opportunities over fiscal year 1970, when \$651,127,000 and 385,400 opportunities were provided.

Accordingly, while funds for manpower training from these two sources for fiscal year 1971 would total \$1,549,494,000 compared with \$1,405,027,000 for fiscal year 1970, an increase of \$144,467,000—the total number of opportunities will increase from 981,400 to 983,840—an increase of only 2,240.

Mr. President, I ask unanimous consent that there be included in the RECORD a table dated April 28, 1970, prepared by the Manpower Administration of the Department of Labor, indicating in detail a breakdown of these statistics in terms of specific programs.

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

## MANPOWER ADMINISTRATION FISCAL YEAR 1971 CONGRESSIONAL SUBMISSION

[Dollars in thousands]

Appropriation/activity	Fiscal year 1969		Fiscal year 1970		Fiscal year 1971		Change: Fiscal year 1970 to fiscal year 1971	
	Actual obligations	Training opportunities	Amount	Training opportunities	Amount	Training opportunities	Amount	Training opportunities
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<b>GENERAL REVENUE</b>								
MA-S. & E. (new authority only)	\$29,673	1,655	\$40,639	1,142	\$43,667	1,257	+\$3,028	1,115
Experimental and demonstration	15,022	(—)	15,299	(—)	15,118	(—)	(—)	(—)
(New authority)	(14,904)	(—)	(15,118)	(—)	(15,118)	(—)	(—)	(—)
(Prior year authority)	(118)	(—)	(181)	(—)	(181)	(—)	(—)	(—)
Mobility and bonding	(—)	(—)	391	(—)	(—)	(—)	(—)	391
Research	\$3,800	(—)	\$3,800	(—)	\$3,800	(—)	(—)	(—)
Evaluation	(—)	(—)	(—)	(—)	1,700	(—)	+\$1,700	(—)
Construction seasonality study	(—)	(—)	400	(—)	(—)	(—)	(—)	—400
Program support (see trust fund also)	10,984	1,655	20,939	1,142	23,049	1,257	+2,110	1,115
(New authority)	(10,969)	1,655	(20,930)	(—)	(23,049)	(—)	(+2,119)	(—)
(Prior year authority)	(15)	(—)	(9)	(—)	(—)	(—)	(—)	(—)
MDTA (new authority only)	383,763	210,500	651,127	385,400	747,494	336,600	+96,367	—48,800
JOB/OJT	102,946	81,400	182,608	107,700	260,000	103,800	+77,392	—3,900
(JOBs)	(42,517)	(13,500)	(128,000)	(42,700)	(240,000)	(80,000)	(+112,000)	(+37,300)
(OJT)	(60,429)	(67,900)	(54,608)	(55,000)	(20,000)	(23,800)	(—34,608)	(—41,200)
((New authority))	(55,839)	(67,700)	(—)	(—)	(—)	(—)	(—)	(—)
((Prior year authority))	(4,590)	(200)	(—)	(—)	(—)	(—)	(—)	(—)
Concentrated employment program	31,403	19,600	49,600	39,000	76,000	59,800	+26,400	+20,800
(New authority)	(31,695)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
(Prior year authority)	(—292)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
Institutional training	197,405	99,900	258,069	129,035	256,000	128,000	—2,069	—1,035
(New authority)	(196,890)	(98,000)	(245,000)	(122,500)	(256,000)	(128,000)	(+11,000)	(+5,500)
(Prior year authority)	(515)	(1,900)	(13,069)	(6,535)	(—)	(—)	(—13,069)	(—6,535)
Part-time and other	5,820	11,700	10,084	20,400	10,084	20,400	(—)	(—)
(New authority)	(5,767)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
(Prior year authority)	(53)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
Disadvantaged youth	12,985	49,100	33,900	102,500	(—)	(—)	(—33,900)	(—102,500)
(New authority)	(—)	(—)	(26,400)	(59,200)	(—)	(—)	(—26,400)	(—59,200)
(Prior year authority)	(12,985)	(49,100)	(7,500)	(43,300)	(—)	(—)	(—7,500)	(—43,300)
Public service careers	(—)	(—)	49,000	36,600	35,400	24,600	(—13,600)	(—12,000)
Incentive to States	(—)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
Program support	50,859	125	88,435	125	110,010	125	+21,575	(—)
(CAMPS)	(2,963)	(—)	(5,625)	(—)	(8,890)	(—)	(+3,265)	(—)
(Technical assistance)	(—)	(—)	(12,484)	(—)	(13,039)	(—)	(+555)	(—)
(Job matching)	(2,750)	(—)	(15,934)	(—)	(29,089)	(—)	(+13,155)	(—)
(State, S. & E.)	(45,342)	125	(54,392)	125	(58,992)	125	(+4,600)	(—)
(Prior year authority)	(—196)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
BAT, S&E	9,254	1520	6,872	1457	6,958	1457	+86	(—)
Unemployment compensation for Federal Employees and ex-servicemen	125,238	(—)	185,000	(—)	199,500	(—)	+14,500	(—)
Trade Adjustment activities	313	(—)	600	(—)	2600	(—)	(—)	(—)
Proposed for separate transmittal:	(—)	(—)	(—)	(—)	45,000	(—)	+45,000	(—)
Manpower Training Act	(—)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
Trade adjustment activities	(—)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
Subtotal, general revenue	548,241	210,500	884,238	1,1624	1,043,219	1,1739	+158,981	1,115
<b>TRUST FUNDED</b>								
Grants to States	595,914	1290	665,772	1290	717,700	1290	+51,928	(—)
Unemployment insurance service	266,379	(—)	284,033	(—)	320,031	(—)	+35,998	(—)
Employment service	302,718	1290	328,968	1290	352,141	1290	+23,173	(—)
Administration and management	26,817	(—)	39,771	(—)	42,528	(—)	+2,757	(—)
Contingency fund	(—)	(—)	13,000	(—)	3,000	(—)	(—10,000)	(—)
MA, S. & E. (see general revenue also)	17,284	11,135	16,581	11,076	16,835	11,076	+254	(—)
UI, S. & E.	4,189	1304	4,211	1245	4,274	1245	+63	(—)
Proposed for separate transmittal (U.I.)	(—)	(—)	(—)	(—)	8,000	(—)	+8,000	(—)
Subtotal, trust fund	617,387	11,729	686,564	11,611	746,809	11,611	+60,245	(—)
Total, manpower direct appropriations	1,165,628	210,500	1,570,802	1,3235	1,790,028	1,3350	+219,226	1,115
Subtotal, manpower direct appropriations	1,165,628	210,500	1,570,802	385,400	1,790,028	336,600	+219,226	—48,800
<b>DELEGATED PROGRAMS</b>								
Economic Opportunity Act	875,475	680,638	753,900	596,200	802,000	647,240	+48,100	+51,040
Job Corps	278,358	36,974	170,200	21,700	180,000	25,640	+9,800	+3,940
(Direct program)	(234,949)	(36,974)	(120,383)	(21,700)	(138,855)	(25,640)	(+18,472)	(+3,940)
(Program support)	(36,555)	(1651)	(36,571)	(1651)	(31,445)	(1651)	(—5,126)	(—3,546)
(Capital)	(6,854)	(—)	(13,246)	(—)	(9,700)	(—)	(—3,546)	(—)
Job opportunities in the business sector	111,266	35,685	47,000	15,700	(—)	(—)	(—47,000)	(—15,700)
Concentrated employment program	83,000	84,700	149,400	118,000	123,000	97,200	(—26,400)	(—20,800)
In-school	49,048	101,845	62,400	100,000	62,400	100,000	(—)	(—)
Summer	140,481	349,676	121,500	272,400	146,500	310,400	+25,000	+38,000
Out-of-school	123,733	50,347	98,000	32,500	134,200	38,900	+36,200	+6,400
Operation mainstream	41,000	12,787	41,000	12,200	41,000	12,800	(—)	+600
Public service careers	18,460	4,789	47,000	23,700	96,600	62,300	(—)	+38,600
Special impact	8,633	3,835	(—)	(—)	(—)	(—)	(—)	(—)
Program support	21,496	1809	17,400	1809	18,300	1809	+900	(—)
(Salaries and expenses)	(12,095)	(1809)	(12,200)	(1809)	(13,100)	(1809)	(+900)	(—)
(Technical assistance)	(3,861)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
(Demonstration and evaluation)	(5,540)	(—)	(5,200)	(—)	(5,200)	(—)	(—)	(—)

Footnotes at end of tables.

## MANPOWER ADMINISTRATION FISCAL YEAR 1971 CONGRESSIONAL SUBMISSION—Continued

[Dollars in thousands]

Appropriation/activity	Fiscal year 1969		Fiscal year 1970		Fiscal year 1971		Change: Fiscal year 1970 to fiscal year 1971	
	Actual obligations	Training opportunities	Amount	Training opportunities	Amount	Training opportunities	Amount	Training opportunities
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
WIN.....	\$105,229	108,600	\$85,140	125,000	\$92,750	125,000	+\$7,610	—
On-the-job training.....	1,091	1,400	1,200	1,600	1,200	1,600	—	—
Institutional training.....	74,694	74,100	57,509	84,100	63,519	84,100	—	+6,010
Work experience and orientation.....	10,437	12,600	7,380	14,300	7,380	14,300	—	—
Work projects.....	55	300	800	2,000	2,400	6,000	+1,600	+4,000
Employability planning, job development, and followup.....	13,827	20,200	10,251	23,000	10,251	19,000	—	-4,000
Program direction and evaluation.....	5,125	1,239	8,000	1,227	8,000	1,227	—	—
(Salaries and expenses).....	(2,844)	(1,239)	(4,900)	(1,227)	(4,900)	(1,227)	—	—
(Research and evaluation).....	(2,281)	(—)	(3,100)	(—)	(3,100)	(—)	—	—
Total delegated programs.....	980,704	{ 1,699 } 789,238	839,040	{ 1,687 } 721,200	894,750	{ 1,687 } 721,240	+55,710	{ 51,040 } —
Grand total.....	2,146,332	{ 14,628 } 999,738	2,409,842	{ 14,922 } 1,106,600	2,684,778	{ 15,037 } 1,108,840	+274,936	{ 1115 } +2,240

<sup>1</sup> Represents Federal positions.<sup>2</sup> Excludes pending MA proposal for 1970 supplemental (+2.3 million) and 1971 amendment

(+43.4 million).

<sup>3</sup> Reflects reduction of \$21.4 million required by earmarking provisions of OEO Authorization Act.

**Mr. JAVITS.** Mr. President, while a total expenditure of more than \$1,500,000 for manpower may seem substantial, it must be viewed against the funds which are allocated each year because families are unable to become self-sufficient, and against the total target population for these programs. As I noted earlier, the bill now before the Appropriations Committee includes an "uncontrollable" Federal expenditure for welfare in the amount of \$2,540,683,000.

Mr. President, for fiscal year 1971 the number of disadvantaged who could benefit from manpower programs has been projected at more than 11,000,000 or 10 the number who will benefit under these funds.

In this connection, I wish to emphasize a particular program which has been of special concern to me—the Neighborhood Youth Corp summer program, which provides work and training opportunities to disadvantaged youth 14 to 21 years of age during the summer months.

The general amounts which I have cited do not reflect the supplemental appropriation approved in June of this year, and which many of the members of the Appropriations Committee supported. Under that supplemental approximately \$35,000,000 of a total supplemental of \$50,000,000 was made available for the Neighborhood Youth Corp summer job program.

The administration budget request for fiscal year 1971 for this program requests \$1,400,000 less than the amounts appropriated for fiscal year 1970, under the regular appropriations bill.

Accordingly, taking into account the supplemental funding—this program is now projected at a level some \$36,400,000 less than provided last summer. On the basis of this past summer's cost, this should mean that approximately 82,000 fewer youths will be able to participate next summer than last.

This would be especially unfortunate in light of the fact that even with the supplemental, the number of full-time slots provided last summer were some 145,173 less than the cities had indicated could be effectively used. I ask unanimous consent that the RECORD in-

clude a letter dated May 7, 1970, from the U.S. Conference of Mayors documenting that need.

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

U.S. CONFERENCE OF MAYORS,

Washington, D.C., May 7, 1970.

Hon. JACOB K. JAVITS,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,  
Executive Director.

1970 SUMMER NEIGHBORHOOD YOUTH CORPS PROGRAM—  
THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 allocation	Total city needs 1970	Additional required
Akron.....	612	378	765	380
Atlanta.....	2,267	1,460	2,840	1,387
Baltimore.....	7,000	4,255	8,000	3,745
Birmingham.....	1,390	894	1,738	844
Boston.....	2,200	1,588	2,750	1,162
Buffalo.....	2,845	1,750	3,557	1,807
Chicago.....	31,000	19,676	38,750	19,074
Cincinnati.....	1,935	1,198	2,419	1,221
Cleveland.....	6,900	4,211	8,000	3,789
Columbus.....	1,100	675	1,378	703
Dade County (Miami).....	2,150	1,592	2,688	1,096
Dallas.....	1,520	986	1,900	914
Dayton.....	620	453	775	322
Denver.....	800	522	1,000	478
Detroit.....	7,780	5,873	9,725	3,853
El Paso.....	719	427	900	472
Fort Worth.....	785	499	981	482

City	1969 total need	1970 allocation	Total city needs 1970	Additional required
Gary.....	1,380	1,073	1,725	652
Honolulu.....	1,461	889	1,826	937
Houston.....	2,844	1,739	3,555	1,816
Indianapolis.....	650	481	812	331
Jersey City.....	1,275	853	1,594	741
Kansas City, Mo.....	1,400	989	2,225	1,236
(Including Long Beach).....	2,828	9,629	16,000	6,371
Louisville.....	2,605	1,574	3,256	1,680
Memphis.....	1,500	993	1,875	882
Milwaukee.....	1,925	1,317	2,406	1,089
Minneapolis.....	1,750	1,080	2,188	1,108
Newark.....	4,180	2,707	12,000	9,293
New Orleans.....	8,490	1,136	10,613	9,477
New York.....	50,000	25,419	62,500	37,081
Norfolk.....	1,750	1,148	2,188	1,040
Oakland.....	3,857	2,407	4,821	2,414
Oklahoma City.....	1,270	782	1,588	806
Omaha.....	1,455	886	1,819	933
Philadelphia.....	4,105	3,380	12,500	9,120
Phoenix.....	3,285	2,005	4,106	2,101
Pittsburgh.....	3,915	3,366	4,894	1,528
Portland, Oreg.....	1,066	777	1,328	551
Rochester.....	1,225	744	1,531	787
St. Louis.....	1,834	1,335	4,000	2,665
St. Paul.....	683	324	854	530
San Antonio.....	3,742	2,297	4,678	2,381
San Diego.....	2,689	1,679	2,616	937
San Francisco.....	2,625	1,663	3,291	1,618
Seattle.....	1,496	1,048	1,500	452
Tampa.....	1,925	1,523	2,406	883
Toledo.....	700	432	825	393
Tulsa.....	420	261	525	264
Washington, D.C.....	12,805	8,530	30,000	21,470
Total.....	214,758	130,903	296,201	165,298

**Mr. JAVITS.** Mr. President, while need figures are not now available for next summer, we can expect them to approach last summer.

Mr. President, during the first quarter of this year, while the national level of unemployment ranged between 4.4 and 4.9 percent—the unemployment rate among black teenagers in the poverty neighborhoods was 32.7 percent—almost one-third—compared with 20.9 percent in the first quarter of 1969.

We can expect these conditions of unemployment to continue into the next year as a result of the efforts of the administration to cool down the economy, and even if the national unemployment rate should decline, the rate in poverty areas can be expected to remain at the high levels which I have indicated.

I urge the Congress, therefore, not only to recognize the great need for man-

power funds to deal with these conditions generally, but to take action now in anticipation of what will be obvious special needs as the summer approaches.

If the recommendation which I have made for an increase of poverty funds is accepted, then the Director of the Office of Economic Opportunity would be in a position to allocate greater funds to the Neighborhood Youth Corp support program in the course of regular planning—rather than waiting, as is usually the case, until the middle of the summer.

However, should the Senate committee decide not to allow additional funds under the poverty program, then I would consider proposing an amendment to increase the \$744,494,000 set forth on page 2 of H.R. 18515, the appropriations bill for manpower development and training activities to \$780,894,000 so as to provide the additional \$36,400,000 necessary to bring the funding level for next summer up to the level for this summer.

I conclude as follows: There are a number of ways in which we can measure our efforts to combat poverty. In the foregoing comments and in materials which I have submitted on particular programs, I have measured proposed efforts in terms of the portion of the target groups to be served, previous levels of funding and information as to the number of applications that have gone unfunded in recent years.

We can also measure these efforts and the sufficiency of funds in terms of the extent to which the funds requested will permit the Office of Economic Opportunity to fund new projects and efforts proposed by those closest to the problems on the local level. In that connection, I ask unanimous consent that there be included in the RECORD at this point, a table prepared by the Office of Economic Opportunity entitled "Fiscal Year 1971 Schedule of Annualization and New Starts," which indicates that of the \$2,080,200,000 requested for fiscal year 1971, only \$167,100,000 would go for new efforts.

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

FISCAL YEAR 1971 SCHEDULE OF ANNUALIZATION AND NEW STARTS

	Fiscal year 1971 total plan	Annualization	New starts
Total EOA	\$2,080.2	\$1,913.1	\$167.1
Office of Economic Opportunity	865.2	757.2	108.0
Research, development and demon. and evaluation	118.3	78.7	39.6
R.D.D. & E	94.0	75.0	39.0
Day care	20.0		
Pro. admin.	4.3	3.7	.6
Health and nutrition	176.8	122.0	54.8
Family planning	24.0	22.0	2.0
E.F. & M.	33.0	25.7	7.3
Drug rehab.	3.0	1.0	2.0
Alcoholic ccl. & rehab.	4.0	1.0	3.0
Compre. health	110.0	70.0	40.0
Prog. admin.	2.8	2.3	.5

	Fiscal year 1971 total plan	Annualization	New starts
Legal services	\$63.4	\$61.3	\$2.1
Legal services	61.0	59.5	1.5
LS prog. admin.	2.4	1.8	.6
Comm. action operations	384.6	378.3	6.3
Local initiative	324.0	324.0	-----
SOS	7.8	7.8	-----
TTA	22.4	19.7	2.7
SEOO's	14.0	12.0	2.0
Prog. admin.	16.4	14.8	1.6
Special impact	32.1	31.9	.2
Special impact	31.0	28.5	2.5
SI—prog. admin	1.1	.9	.2
Migrants	35.5	32.5	3.0
Migrants	34.0	31.0	3.0
Migrants—Prog. admin.	1.5	1.5	-----
Vista	38.5	36.5	2.0
Vista	31.0	29.0	2.0
Vista prog. admin	7.5	7.5	-----
General support	16.0	16.0	-----
Department of Labor	802.0	745.4	56.6
JOPS	0	-----	-----
CEP	123.0	123.0	-----
PCS	96.6	76.0	20.6
In school	62.4	62.4	-----
Summer	146.5	146.5	-----
Out of school	134.2	98.2	36.0
Job Corps	180.0	180.0	-----
Mainstream	41.0	41.0	-----
Administration	18.3	18.3	-----
Department of Health Education, and Welfare	408.0	406.0	2.0
Headstart	339.0	339.0	-----
Follow Through	69.0	67.0	2.0
Department of Agriculture	5.0	4.5	.5
Rural loans	.5	-----	.5
Rural loans—Prog. admin	4.5	4.5	-----

RECORD certain tables set forth in an excellent publication by Dr. Sar Levitan, entitled "Progress in Aid of the Poor for the 1970's," which indicate the various characteristics of the poor and total expenditures on behalf of the poor, and a chart indicating the sums available for each program during fiscal year 1970, the amount earmarked for fiscal year 1971, and the amount requested by the administration for that year.

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

TABLE 1.—SELECTED CHARACTERISTICS OF THE POOR, 1966

Characteristic	Percent of poor	Poor as percent of total in group
Total	100.0	14.7
Age group:		
Under 18	43.5	18.5
18 to 64	38.5	10.9
65 and over	18.0	29.9
Race:		
White	68.3	12.0
Nonwhite	31.7	40.9
Family status:		
Unrelated individual	17.1	40.3
Family members	82.9	13.7
Head	20.3	12.4
Spouse	13.5	9.5
Other adults	7.2	10.8
Children	42.0	18.0
Type of residence:		
Rural	37.3	19.3
Urban	62.7	13.8
Sex of family head:		
Male	70.3	9.8
Female	29.7	35.0
Work experience of family head:		
Worked full year	31.9	5.8
Worked part year	27.2	21.2
Did not work	39.7	35.1
Education of family head:		
8 years or less	53.8	22.9
1 to 3 years high school	20.4	13.8
4 years high school	18.1	7.5
College, 1 to 3 years	4.3	5.3
College, 4 years or more	3.3	3.4

Source: U.S. Department of Commerce, Bureau of the Census

TABLE 2.—FEDERAL AID TO THE POOR, 1961, 1964, 1969

Program	1961	1964	1969
Total	9.7	11.9	24.4
Cash assistance	8.3	9.8	13.0
OASDI	3.5	4.7	6.0
Public assistance	1.9	2.4	4.0
Veterans' payments	1.5	1.7	.5
Unemployment insurance	1.0	.7	.5
Railroad retirement	.3	.3	.4
Employment and training	.1	.2	2.0
Economic development	(1)	(1)	.2
Education	(1)	(1)	2.1
Health	.7	.9	4.9
Housing	.1	.1	.2
Food	.2	.3	.7
Indians and trust territories	.3	.4	.5
Other	.1	.1	.8

<sup>1</sup> Less than \$50,000,000.

Note: Details do not necessarily add up to total because of rounding.

Source: U.S. Bureau of the Budget.

## PROGRAM LEVELS AND EARMARKS OR RESERVATIONS 1970-71

Program	Earmarks or reservations under OEO amendments, 1969	Available in 1970	1971 request by administration	Program	Earmarks or reservations under OEO amendments, 1969	Available in 1970	1971 request by administration
Total	\$2,195,500,000	\$1,948,000,000	\$2,080,200,000	Emergency food and medical services	\$62,500,000	\$48,800,000	\$33,000,000
Local initiative	328,900,000	328,900,000	384,600,000	Family planning	15,000,000	16,600,000	24,000,000
Work and training	890,300,000	753,900,000	802,000,000	Senior opportunities and services	8,800,000	6,800,000	7,800,000
Special impact	46,000,000	36,800,000	32,100,000	Rural loans	12,000,000	9,400,000	5,000,000
Special work and career development	20,000,000	(*)	(*)	Migrant and seasonal farmworkers	34,000,000	30,900,000	35,500,000
Headstart	398,000,000			Administration and coordination	16,000,000	16,000,000	16,000,000
Follow Through	90,000,000	70,300,000	69,000,000	VISTA	37,000,000	35,000,000	38,500,000
Legal services	58,000,000	53,800,000	63,400,000	Alcoholic recovery	15,000,000	9,000,000	4,000,000
Comprehensive health services	80,000,000	74,000,000	110,000,000	Drug rehabilitation	15,000,000	4,500,000	3,000,000

<sup>1</sup> Based on Justification of Appropriations, May 1970, Office of Economic Opportunity.<sup>2</sup> Not available from OEO.

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

The amendment (No. 858) was referred to the Committee on Appropriations, and ordered to be printed.

## ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 754 TO H.R. 17123

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. YOUNG), the Senator from Idaho (Mr. CHURCH), the Senator from Texas (Mr. YARBOROUGH), and the Senator from South Dakota (Mr. McGOVERN) be added as cosponsors of amendment 754 to the military authorizations bill, an amendment to restrict the use of funds for the purpose of sending draftees to South Vietnam, Cambodia, or Laos, unless funds are specifically authorized to be expended for such purpose by law hereafter enacted.

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

AMENDMENTS NOS. 798 AND 799 TO H.R. 17123

Mr. HATFIELD. Mr. President, on behalf of the Senator from Massachusetts (Mr. BROOKE), I ask unanimous consent that the names of the Senator from Alaska (Mr. GRAVEL), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of amendments Nos. 798 and 799, to H.R. 17123, the military procurement authorization bill.

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

AMENDMENT NO. 838 TO H.R. 17123

Mr. HATFIELD. Mr. President, on behalf of the Senator from New York (Mr. GOODELL), I ask unanimous consent that the names of the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. METCALF), and the Senator from Kentucky (Mr. COOK) be added as cosponsors of amendment No. 838, to H.R. 17123, the military procurement authorization bill.

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

AMENDMENT NO. 844 TO H.R. 17123

Mr. HATFIELD. Mr. President, I ask unanimous consent that at the next

printing, the name of the Senator from Hawaii (Mr. INOUYE) be added as a co-sponsor of amendment No. 844 to H.R. 17123, the military procurement authorization bill.

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

## ADDITIONAL STATEMENTS OF SENATORS

## SELECTED REMAINING "MAJOR" LEGISLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a compilation of selected remaining "major" legislation in the Senate as of August 20, 1970.

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

SELECTED REMAINING "MAJOR" LEGISLATION (SENATE), 91ST CONGRESS AS OF AUGUST 20, 1970<sup>1</sup>

## AGRICULTURE

Omnibus farm bill (Agricultural Act of 1970, H.R. 18546). Administration requested a "set aside" land retirement plan to control production, and price supports geared to world market prices, rather than parity. House-passed bill tied payments for feed grains and cotton to fixed figure for part, rather than all, of the permitted production. Wheat payments based on parity but would not be difference between parity and the support loan, as under present law, but difference between the objective price and the average price for the first five months of the marketing year. There would be no marketing quotas, and acreage limitations and set aside acreage could be required. This bill includes the PL 480 extension and revision (foreign aid and special export programs).

Markup underway.

Food stamps (S. 2547, H.R. 18582). Administration requested \$1.25 billion for FY 1971, free stamps to families with monthly incomes under \$30 and requirement that all states adopt a participating plan for all communities or face loss of program. House committee reported bill with open-ended authorization in FY 1971-73, minimum .50c payment and to compel able-bodied men to work to qualify.

Senate has passed bill authorizing \$2 bil-

<sup>1</sup> Sources: Legislative Status Reports, Legislative Status Checklists, Joint Committee on Reduction of Federal Expenditures 1971 Budget Scorekeeping Report, Staff Report No. 9, Congressional Quarterly, and House and Senate Calendars.

<sup>2</sup> Includes budget, special messages and draft bills. Bills in process do not necessarily correspond to bills proposed by Administration.

lion for FY 1971, \$2.5 billion for FY 1972 and free stamps for families of four with less than \$60 a month income.

## CIVIL RIGHTS

Equal employment (S. 2453). Administration requested EEOC authority to initiate law suits against employers guilty of discrimination.

Committee reported bill authorizing EEOC to issue cease-and-desist orders against recalcitrant employers.

Equal rights (H.J. Res. 264). On calendar. Judiciary Committee hearings planned.

## CRIME

Preventive detention (S. 546, 2600). Administration requested authority for Federal judges to detain "dangerous" defendants for 60 days before trial.

Bail reform (generally) subcommittee hearings recessed; preventive detention hearings underway.

Law enforcement (S. 3541 et al). Administration requested \$480 million for Law Enforcement Assistance Administration (LEAA) for FY 1971. House passed bill authorizes \$3 billion for FY 1971-73.

Subcommittee hearings underway.

Obscenity (S. 2073, 2074). Administration requested legislation to make it a Federal crime to use mails to send obscene material to minors, obscene advertisements to persons, and to enable a person to bar obscene mail from his address.

Subcommittee reported.

## CONGRESS AND ITS OPERATIONS

Congressional reorganization (S. 844). On calendar. (H.R. 17654 requires two-thirds vote for nongermane amendments added by Senate to House passed bills).

Financial disclosure (S. 1993). Bill in committee to require disclosures by all Government employees earning over \$18,000 a year, and candidates for Senate or House.

## CONSUMERS

Class action suits (S. 3201). Administration requested law allowing private citizens to bring suits following successful Justice Department action.

Commerce Committee reported bill allowing suits without Justice Department action, and referred to Judiciary Committee with instructions to report by September 14.

Consumer agency (S. 3240). Administration requested Office of Consumer Affairs in Executive Office of President, and Consumer Protection Division in Justice Department.

Subcommittee reported bill to create independent consumer agency and consumer fraud division in Justice Department.

Flammable Fabrics Act authorization (S. 3765). On calendar.

## DEFENSE

Authorization (H.R. 17123, 17604). Administration requested \$20 billion for Military Procurement and R&D, and \$2 billion for Military Construction.

H.R. 17123 is Pending business.

Appropriations (H.R. 17970). House passed bill appropriating \$2 billion.

## Committee hearings underway.

Draft (H.R. 17314). Administration asked abolition of undergraduate college deferments and 20% raise for enlisted men.

Proposed amendment for volunteer army on pending business.

## DISTRICT OF COLUMBIA

Congressional representation (H.R. 18725). Bill on calendar to provide non-voting delegate for House. S.J. Res. 52 and 56, to provide full congressional representation, in executive session.

## ECONOMIC POLICY

Guideposts (H.R. 14460). No Administration request. President announced "inflation alert" reports. Bill pending in House Government Operations Committee to require Council of Economic Advisors to prepare wage and price guideposts similar to those in the Kennedy and Johnson administrations, to report these guideposts to the Joint Economic Committee, and to require the President to review wage and price behavior inconsistent with the guideposts, making recommendations thereafter.

Revenue. Administration requested added 1 year postponement of automobile and telephone excise tax reductions, speed up in collecting excise and gift taxes, and tax on gasoline lead.<sup>a</sup>

One-bank holding companies (H.R. 6778) (not administration bill). Administration requested legislation to regulate one-bank holding companies.

## On calendar.

Foreign bank secrecy (S. 3678, H.R. 15073). No Administration request.

Subcommittee hearings underway on H.R. 15073 (Federal Deposit Insurance Act Amendments).

Securities dealer insurance (S. 2348). No Administration request but SEC supported bills in testimony.

Hearings completed on bill to protest customers from mismanagement and insolvency of securities brokers and dealers by establishing Federal Broker-Dealer Insurance Corporation, similar to FDIC.

Small business (S. 3699). Administration requested expansion of SBA loan guarantee authority, SBA authority to guarantee surety bonds, interest subsidy grants, tax incentives for lenders, and tax advantages to minority enterprises.

Subcommittee executive sessions including S. 1750, to assist development of waste disposal and pollution control.

Conglomerates (S. 1494). No Administration request.

## Subcommittee hearings concluded.

Franchising (S. 3844). No Administration request.

## In committee.

## EDUCATION

Higher education (S. 3636). Administration requested national student loan program, \$100 million for community colleges and \$200 million grant program to be administered by proposed National Foundation for Higher Education.

Hearings underway. Existing programs expire mid-1971.

Impact aid (S. 3581, 3593). Administration requested reduction of payments from existing 50% per pupil to 40% if families reside in jurisdiction, and 20% if they reside in another jurisdiction.

## Subcommittee hearings adjourned.

Emergency school aid (S. 3883). Administration requested \$500 million for FY 1971 and \$1 billion for FY 1972 for desegregating local districts.

Subcommittee hearings underway. (Problems over allocation formula, which some say favors the South, and over the use of funds for busing students).

<sup>a</sup> Total estimated receipts \$3.6 billion.

## ENVIRONMENT

Environmental Financing Act of 1970 (S. 3468). Administration requested creation of Environmental Financing Authority to buy State and local bonds for constructing waste treatment facilities.

## Subcommittee hearings underway.

Water pollution (S. 3470). Administration requested funds for R&D, facilities, enforcement and financing.

## Subcommittee hearings underway.

Air pollution (S. 3466, 3229, 3546). Administration requested extension of Clean Air Act for 3 years, authority to set nationwide standards for air quality, emission and transportation fuels and additives, and for testing emission controls on new cars.

## Executive Session.

Disaster relief (S. 3619). Administration requested reorganization of Federal disaster relief operations, including loans to local governments for property tax losses.

## Ordered reported.

## FOREIGN AFFAIRS

Foreign assistance appropriations (H.R. 17867). Administration requested \$2.976 billion, including foreign economic and military assistance and foreign military credit sales, Peace Corps, and international development banks.<sup>a</sup>

## In committee.

Trade bill (H.R. 14870). Administration requested extension of Presidential tariff-cutting authority, eliminating American Selling Price (ASP) for figuring duties on chemical imports, liberalizing escape-clause and adjustment-assistance, and strengthening Presidential authority to retaliate against unfair trade practices by other nations.

House reported bill approving textile and shoe quotas, restricting other imports, and retaining oil import quota and ASP.

## HEALTH

Regional program (S. 3443, 3586, 3355). Administration requested one year extension of 3 programs—regional medical, comprehensive health services and health services development.

## S.3586 in conference; S. 3355 on calendar.

## HOUSING

Housing and Urban Development Act of 1970 (S. 3639). Administration requested streamlining of FHA programs, to reduce them from 50 to 8, replace 40 existing HUD programs with 4, and establish uniform criteria for low-income housing.

Subcommittee Executive Sessions. (H.R. 17795, Emergency Communities Facilities Act, scheduled for House action week of September 9).

Housing and Urban Development Act (H.R. 17845). Covers FHA Mortgage Credit programs, Urban Renewal and Housing Assistance programs, and Model Cities and Metropolitan Development programs.

## Subcommittee reported clean bill.

Urban Growth and New Community Development Act of 1970 (S. 3640). Provides for developing national urbanization policy and encourage more rational and economic growth through developing new communities and inter-cities.

## Executive Session.

## LABOR

Manpower programs (S. 3867). Administration requested consolidation of manpower programs, and State administration of Federally-funded job training programs.

## On calendar.

Occupational safety (S. 2788, 2193). Administration requested establishment of National Occupational Safety and Health Board to set standards to protect workers.

## Markup and executive session.

<sup>a</sup> Foreign Economic Assistance authorized through FY 71.

Private pension plans. (S. 3589). Administration requested legislation for stronger protection of rights of workers under private pension and welfare plans.

In committee. (Joint Economic Subcommittee on Fiscal Policy held hearings on pension plans investments last Spring).

## SOCIAL WELFARE

Social security (S. 2973). Administration requested 10% benefits increase, future automatic increases, and reforms in Medicare and Medicaid programs. Congress in 1969 increased benefits 15%, and Administration requested no further increase.

## Hearings underway.

Welfare (H.R. 16311). Administration proposed Family Assistance Program (FAP) for minimum \$1600 a year (family of four with no income), and reduced benefits for working poor.

## Hearings underway.

## TRANSPORTATION

SST (H.R. 17755) (DOT Appropriations). Administration requested \$290 million to construct and flight test 2 SST prototypes.

## Hearings underway.

Highway programs (Including Federal Aid Highway, Highway Trust Fund, and Public Lands Highway) (S. 4055). Administration requested extension of completion date for Interstate system and funding all highway programs from highway trust fund. (Estimated completion cost \$70 billion).

## Hearings and executives.

Rail Passenger Service Act of 1970 (H.R. 18125, S. 4011, 4014, 4016). To improve rail passenger service.

## Hearings underway.

Maritime program (S. 3287). To strengthen Federal merchant marine.

## On calendar.

## WILDLIFE PRESERVATION

Wholesome Fish and Fishery Products Act (S. 2712). Provides safeguards on quality and wholesomeness of fish and fishery products.

## Subcommittee hearings concluded.

## GENERAL GOVERNMENT

Federal Economy Act of 1970 (S. 3593). To reduce, terminate or restructure Federal programs needing basic reform (Administration bill). Before, various committees depending on jurisdiction.

Intergovernmental Cooperation Act (S. 2479, 2035). To improve financial management of Federal assistance programs.

## Executive Session.

## OTHER ISSUES

Broadcast campaign spending (S. 3637). Senate passed bill limiting T.V. and radio spending by Presidential and Congressional candidates, and revoking "equal time" provision for Presidential elections.

## Conference report in House.

Electoral college reform (S.J. Res. 1). Administration supports proposed Constitutional Amendment to abolish Electoral College and provide for direct election of President and Vice President.

## On calendar.

Genocide treaty. Administration has asked Senate ratification of 1948 UN convention.

Subcommittee hearings held and action postponed until Administration sends up proposed legislation making Genocide a crime.

Southeast Asia. Various bills, resolutions, and amendments to limit US military involvement in Southeast Asia, and set legislative timetable for withdrawal from Vietnam.

## APPROPRIATIONS

Treasury, Post Office, Executive Offices (H.R. 16900). Administration request \$3.045 billion.

State, Justice, Commerce, Judiciary, related agencies (H.R. 17575). Administration request \$3.251 billion. Committee reported \$3.1 billion.

On calendar.

Transportation Department, related agencies (H.R. 17755). Administration request \$2,490 billion.

Foreign assistance, related programs (H.R. 17867). Administration request \$2,976 billion. (See p. 6, above).

Agriculture, related agencies (H.R. 17923). Administration request \$7,748 billion, Senate action \$8,475 billion. In conference.

Military construction (H.R. 17970). Administration request \$2,134 billion.

Public Works, Atomic energy (H.R. 18127). Administration request \$5,263 billion. Committee reported \$5,258 billion. On calendar.

Labor, HEW, OEO (H.R. 18515). Administration requested \$18,731 billion.

Defense. Administration request \$69 billion.

#### PRESIDENT NIXON AND PRESIDENT DIAZ ORDAZ CONCLUDE PRODUCTIVE MEETING

Mr. FANNIN. Mr. President, President Nixon and Attorney General Mitchell have just concluded an important visit to our good neighbor to the south. During an extremely productive 2 days of meetings, the Presidents of the United States and Mexico made significant progress in settling major problems and in fostering international cooperation.

They completed an agreement to end a century-old boundary dispute.

They apparently made progress toward a new agreement on the share and quality of Colorado River water going to Mexico.

Perhaps most important of all, the two Presidents pledged cooperation in trying to stem the international traffic in marihuana and narcotics.

It is refreshing to see that while neighboring countries bristle at each other in much of the world, we are able to continue a fruitful partnership with our neighbors both to the north and the south.

As is often the case even with good neighbors, we have had our occasional problems. Presidents Nixon and Diaz Ordaz have gone a long ways toward solving the most important of these disputes.

Operation Intercept along the United States-Mexico border last year caused unfortunate inconvenience to tourists and disruption of legitimate business on both sides of the boundary. But it also brought home the deep concern in the United States over the narcotics problem. Operation Intercept very fortunately evolved quickly into Operation Cooperation. Mexican officials now fully realize that illegal narcotics traffic jeopardizes legitimate border trade.

Just last month, the United States gave Mexico five helicopters and three airplanes to be used in the search for marihuana and opium poppy crops. Such aid should help Mexican officials carry through effectively on pledges to crack down on illegal growing operations.

Marihuana and narcotics smuggled into the United States from Mexico are of concern to the entire Nation, but the impact can be felt the most in the bordering States. In the past, Mexico because of its geographical location has been an all too convenient source of illegal drugs and marihuana which is smuggled into the Southwest.

Therefore, I feel that we who live in Arizona and other States bordering Mexico should be especially thankful that the President and the Attorney General went to Mexico to discuss these matters personally and arrived at such a satisfactory understanding with the President of Mexico.

#### PROHIBITION OF THE USE OF HERBICIDES IN VIETNAM

Mr. MCINTYRE. Mr. President, within a day or two, we will begin debate on the Nelson-Goodell amendment, which prohibits our use of herbicides in Vietnam.

Our use of herbicides in that beleaguered country was carefully reviewed by the Armed Services Committee in the course of its deliberations on the military procurement bill. The committee concluded that an end to our use of herbicides would be ill advised. It reasoned that the evidence regarding the ecological and physiological side effects of our herbicide program was inconclusive, while the primary contribution of the program was indisputable: it has saved the lives of Americans in Vietnam. The committee believed that until more conclusive evidence as to the side effects materialized, the safety of our troops had to be made an overriding consideration.

I shall speak in far greater depth about the committee's position when the Nelson-Goodell amendment is called up. At present, I should like to place in the RECORD, as background to the debate some of the questions regarding the herbicide program addressed by the committee to the Department of Defense, together with the Department's unclassified answers to those questions.

Mr. President, an answer to the issue posed by the Nelson-Goodell amendment requires a careful weighing of conflicting considerations. I sincerely hope that this information will be of use to Senators as they grapple with that issue.

I ask unanimous consent that the material to which I have referred be printed in the RECORD.

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

#### QUESTIONS AND ANSWERS ON DEFOLIATION

Question. In a letter to Dr. Richard Novick, on 3 February 1970, Dr. Foster stated that "the President's policy prohibiting the use of biological weapons includes agents directed against crops and animals as well as anti-personnel agents. Any stockpiles of such agents will be destroyed."

Is this a correct statement of the present policy? If so, what anti-crop and anti-animal agents, either in the procurement or R&D stage, are covered by Dr. Foster's statement? How has his statement affected DOD activities involving these agents?

Reply. Yes, this is a current statement of current policy. DOD terminated its research in anti-animal biological agents in 1954, thus there are no anti-animal agents involved. Anti-crop agents include stem rust and stripe rust of wheat and rice blast. All DOD activities with respect to these agents, except for destruction of stockpiles, has been terminated.

Question. Are there, either in the procurement or R&D stage, anticropping and anti-animal agents of a chemical nature? If so, what are the names of these agents? Has

their status been affected in any way by the President's announcement of last November 25th or his follow-on announcement regarding toxins?

Reply. Any of the commercially available herbicides can be used as chemical anti-crop agents. Examples are 2,4-D, picloram and cacodylic acid. Their status has not been affected by the President's announcements of November 24, 1969 and February 14, 1970. Lethal chemical agents effective against man would also be lethal for animals. There are no chemical agents or weapons in R&D or procurement designed to attack animals, nor are there any stockpiles of such agents or weapons.

Question. Are herbicides either chemical or biological agents, and if not, why not?

Reply. While herbicides are clearly chemical substances, the position taken by the United States has been that they are not chemical warfare agents, which are proscribed by the Geneva Protocol of 1925.

Question. Is it true that since 1962 defoliation operations have covered almost five million acres, an area equivalent to about 12% of the entire territory of South Vietnam? How much of the acreage covered has consisted of food crops? What has been the nature of the remaining acreage?

Reply. The first statement is essentially correct. Since 1962, an area equivalent to 5,517,000 acres has been sprayed. 4,985,000 acres consisted primarily of dense jungle terrain with a small portion being mangrove swamp areas. The actual area sprayed is less than indicated above because some areas have been sprayed two or three times. Total area affected is more nearly 10 percent than 12 percent. Of the area affected, 532,000 acres has been for anti-crop attack. Anti-crop attacks have never affected as much as 1.0 percent of the annual food production of the Republic of Vietnam.

Question. Considerable criticism has been voiced as to the military ineffectiveness of our defoliation program. Is the program in fact justifiable militarily?

Reply. (U) Yes.

In answering, please comment on the following charges of ineffectiveness which have been raised against certain aspects of it:

One use of defoliants has been to reduce the cover available along roads for use in Vietcong ambushes. Roger Hilsman has contended that defoliation for this objective has "actually aided the ambushers—if the vegetation was close to the road those who were ambushed could take cover quickly; when it was removed the guerrillas had a better fire."

Reply. One of the main requirements of a successful ambush is the complete concealment of the ambushers in a position where they can cause rapid, effective fire to be placed on the ambushed. Defoliation along the road will cause the enemy forces to take positions further away from the road thereby reducing their ability to deliver accurate fire onto the road. The trunks of defoliated trees will also limit fields of fire. If the enemy moves into the defoliated area, he will be exposed and subject to friendly fire before, during and after the ambush.

Question. Another use of defoliants has been the spraying of crops supposedly grown for Vietcong use, in an effort to deny this food to the Vietcong. Isn't such a program ultimately directed against the weakest elements of the civilian population—the women, children, and the elderly, since in the sprayed area Vietcong soldiers can be expected to get the fighter's share of whatever food there is? Isn't a corollary effect of this policy to drive villagers, who would otherwise be without food, to leave their villages and come into areas controlled by friendly forces? Even if this results into some extent separating the enemy from civilian elements, doesn't it result in an alienation of these civilians such

as is counterproductive in a guerilla war, where loyalty of the population is the ultimate objective? Doesn't this policy also contribute to the already great malnutrition present in the civilian population and to the disease associated with it?

Reply. Most of the anti-crop spraying is aimed at those crops grown for enemy units as distinguished from crops grown by the civilian population in enemy controlled areas. Captured intelligence documents indicate that many units are required to grow their own food and must use troops to accomplish this task. Most of the civilians who might be in the area where crops are grown for enemy troops are sympathizers and thus already alienated.

It is true that the anti-crop program frequently may be a partial influence on civilians to leave their village and come in to secure areas. However, this is only the case where US/GVN security cannot be provided. If physical security can be achieved, crop destruction is not approved. However, for areas where security cannot be provided the local province/district chiefs recommend relocation of friendly civilians prior to initiation of crop destruction. Furthermore, crop destruction programs are approved only for areas known to be actively controlled by the enemy. For example, areas from which fire is frequently received on helicopters and on Free World/GVN forces. In many cases, friendly populations are evacuated from insecure areas, as part of the normal pacification program for protection and security. In many of these cases, crops which cannot be harvested by the GVN are destroyed rather than leaving them for the enemy.

Total crop reduction due to defoliation has been estimated to be less than 1% of the total food production in South Vietnam. As such, although no data as to the extent of malnutrition caused by anti-crop operations exists, it seems unlikely that significant malnutrition has resulted from these operations.

Question. Concern has been expressed in many quarters about the ecological consequences of our defoliation activities. It is true that we have sprayed up to 100,000 acres of mangrove associations along rivers and estuaries, and that many have shown little sign of recovery after several years? Has DOD conducted studies to determine whether such spraying of mangrove associations deprives shellfish and migratory fish of an important ecological niche, leading first to the disappearance of these species from an area and second to a severe protein deficiency in Vietnamese diets? Has DOD studied whether defoliation operations have encouraged the growth of bamboo in defoliated areas and an attendant dislocation of the prevailing agriculture? Has DOD studied whether soil laterization is a danger inherent in defoliation operations? If such studies have been conducted, what have been their results?

Reply. A study of the ecological effects of defoliation in Vietnam was undertaken in 1968 by Dr. Fred H. Tschorley of the Department of Agriculture. He was invited to conduct the study by the Department of State and the Department of Defense. The report of his observations was reported at a convention of the American Association for the Advancement of Science (AAAS), and was published in their weekly journal SCIENCE (Volume 163, 21 Feb. 1969, pp. 779-786).

Dr. Tschorley reported on a block of about 100,000 acres of mangrove forest defoliated in the Rung Sat Special Zone, surrounding the ship channel into Saigon. Signs of seedling growth have been observed in some areas, but no comprehensive survey has been made to ascertain the extent of the recovery. Full re-establishment of the mangrove forest may require as much as 20 years, and there is no reason to doubt it will occur.

No detailed study has been made of the effect of spraying on fish and shellfish ecol-

ogy. Tschorley reported that fish catch has been increasing, giving a strong indication that the aquatic food chain has not been seriously disturbed.

There has not been sufficient time for bamboo invasion of defoliated areas to become evident, if it occurs. Bamboo invasion has occurred in the agricultural areas farmed by the Montagnard tribesmen who practice a form of slash and burn agriculture which denudes and depletes the soil. Denudation does not occur with defoliation; lower, fast growing shrubs and grasses and seedlings are encouraged by the increased sunlight reaching the forest floor.

Laterization of soil is a long-term natural process which requires very specific conditions. Tschorley reported that while 30% of the soils in Vietnam have a potential for laterization, laterite is not formed in significant quantities. He finds it unreasonable to conclude that defoliation in Vietnam would hasten the laterization process because, as noted above, bare soil does not result from defoliation.

Dr. Tschorley recommended that ecologic research should be carried out in Vietnam when the war ends, that continuing assessment of the defoliation program as it affects forestry and watershed values should be carried out, and that defoliation should be conducted in a manner so as to leave undefoliated areas as a seed source and as habitat for wildlife. His recommendations were endorsed in principle by Ambassador Bunker. Subsequently, the AAS has established a study program looking to the design of tests required for postwar studies in Vietnam. The Department of Defense is cooperating with the study group and has provided information for their use.

Question. What action has been taken to date to control the use of 2,4,5-T in this country both on the commercial market and in Department of Interior and Department of Agriculture programs?

Reply. Insofar as the commercial market is concerned, the Department of Agriculture is taking action to suspend certain domestic uses of 2,4,5-T. Both the Departments of Agriculture and Interior have taken action to stop the use of 2,4,5-T in their own programs except in certain carefully controlled uses. Previous precautionary measures were announced by the President's Science Advisor on October 29, 1969.

Question. For the past several months concern about the possible ecological consequences of herbicides has given way to a concern over the teratogenic, or fetus-deforming, properties of 2,4,5-T, which is present in a number of the herbicides used in Vietnam. What precipitated this concern was a report by Bionetics Research Laboratories showing the results of extensive tests as to the effects of 2,4,5-T on mice and rats who were given oral doses of it during pregnancy.

(a) Is it not true that this report concluded that it was "inescapable that 2,4,5-T is teratogenic in this strain of rats at the dosage schedules used here," and that even the lowest dosage given resulted in very significant numbers of deformities?

Reply. This statement was made in the report by Bionetics Research Laboratories. However, it was not clear at that time whether 2,4,5-T or a contaminant called dioxin was the responsible material. HEW has recently reported that their laboratory data indicates 2,4,5-T itself teratogenic.

Question. Is it not true that the Bionetics study involved a far larger test sample than is required in F.D.A. tests conducted by the F.D.A. in order to determine whether a pesticide is fit for the commercial market?

Reply. We are not aware of any F.D.A. requirement with regard to the size of sample of a material for tests such as these. The amount of material tested for allowable residues in the so-called "market-basket" tests is quite small, but rules for residue tests are not

applicable to the Bionetics work. Many scientists believe that the number of animals and number of species of animals in the Bionetics study were minimal judged on scientific standards. This judgment was expressed by the President's Science Advisory.

Question. Since the Bionetics study, it has been suggested that the presence of a dioxin contaminant in the 2,4,5-T used biased the result, and that this contaminant was itself responsible for the teratogenic results found. Isn't it true, however, that a certain amount of this contaminant is present in all 2,4,5-T produced and that it is difficult to control its presence?

Reply. The sample of 2,4,5-T used by Bionetics contained an unusually large amount of dioxin—about 27 ppm (parts per million). Other samples of 2,4,5-T tested to date contain 0.5 to 1.0 ppm. Whether all 2,4,5-T contains dioxin is not known, although there is reason to suppose that it would be present in some amount. Its presence could be controlled, but whether it would be economically feasible to produce 2,4,5-T with no dioxin is not known. However, recent data from the laboratories of the National Institute of Environmental Health indicate that 2,4,5-T is itself teratogenic.

Question. Is it true that both FDA and the Department of Agriculture are now conducting tests designed to verify the Bionetics study and that all results to date in these tests do verify those results? When will these tests be completed and their final results known?

Reply. It is true that the Department of HEW is conducting tests similar to those of the Bionetics study and that the HEW work has reported evidence of teratogenicity on the part of 2,4,5-T.

Question. Since the Bionetics report was issued, DOD has continued its use of 2,4,5-T. Spokesmen for the Department have claimed that DOD policy, both before and after the report, was to avoid the use of 2,4,5-T in populated areas. It is not true, however, that Rear Admiral William E. Lemos, of the Policy Plans and National Security Council Affairs Office of the Department of Defense, has subsequently testified to a House Foreign Affairs Subcommittee that it has also been used against "enemy base camps" and "enemy training and regroupment centers" in order to expose both the enemy forces and the accompanying civilian populations in these areas to aerial observation? And is this not still, as several journalists have reported, an important part of the U.S. policy?

Reply. The statement made by Admiral Lemos in its entirety was:

"We know from prisoners of war and from observation that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation. If he does move back in while the area is still defoliated, he will be observed and can be engaged."

It is not part of U.S. policy to spray civilian areas to render the civilian population subject to aerial observation. The HEW data on 2,4,5-T were given to DOD on the afternoon of 14 April 1970. At 0900 on 15 April Secretary Packard suspended use of 2,4,5-T for military operations.

Question. What effect would it have on defoliation operations in Vietnam if the Senate were to prohibit further use of herbicides containing 2,4,5-T? Could this effect not be absorbed in light of the present reduction of the U.S. involvement in the war inherent in Vietnamization? To what extent could herbicides without 2,4,5-T replace agents containing it which are now in use in an attempt to continue the same defoliation objectives?

Reply. It would be possible to substitute the defoliant identified as White, a mixture of 2,4-D and picloram. Although the use of

defoliants is decreasing as the pacification and Vietnamization programs proceed, it is not believed that use of defoliants could be stopped at this time.

Question. A further cause for the alleged ineffectiveness of defoliation operations has been an inability to spray herbicides from the air in a really accurate manner, as a result of which other than target areas have often been hit. Is it true that in 1966 herbicidal operations caused extensive damage, through wind drift, to a large rubber plantation northwest of Saigon owned by the Michelin rubber interests, and that the South Vietnamese authorities, through the American military, paid the owners nearly a million dollars in reparations? Is it true that in 1967 the South Vietnamese budget for settling claims arising from inadvertent crop damage was \$3.6 million, and that these funds were provided by the United States? What is the total U.S. funding to date of reparations paid as a result of our defoliation programs? What is the present status of the Cambodian claim of last June 2nd seeking reparations for extensive damage to Cambodian rubber plantations and other crops? Doesn't this accidental spraying, apart from its dollar costs in reparations, lose far more in civilian support than it gains in short-term military advantages? Granted that the Vietcong use terror tactics, but aren't their tactics—such as the killing of village leaders while leaving the rest of the village untouched—of the selective nature needed to succeed in a guerrilla war?

Reply. In 1966 there were many claims of alleged damages to rubber plantations. A team of experts investigated alleged damage at 16 plantations in April 1967. Symptoms of herbicide damage were found at only seven plantations, and of these, two had been sprayed. To minimize the possibility of drift or accidental spraying, even larger buffer zones have been instituted around all rubber plantations.

Accurate figures on number of claims made, processed and pending cannot be developed. This is a GVN program. US advisers at different levels do not maintain records of claims actions. GVN records at district and provincial centers where claims are initiated and processed are maintained at varying standards set by different officials in charge. To our knowledge GVN has never attempted country-wide tabulation. US records of claims are based on number of validated claims paid or pending payments after validation. They do not reflect unsuccessful claims. Records available cover 1968 and 1969 only. In 1968, 7339 claims were validated and 3519 paid for a total of 77,477,000 piastres. A backlog of 3,820 validated claims caused by suspension of milcap during Tet 68 fighting was carried over to 1969. In 1969, 2,820 additional claims were validated and 6,350 paid (this includes a 1968 backlog) for a total of 156,289,000 piastres. A backlog of 290 validated claims carried into 1970. Since Jan. 1, eleven additional claims were validated for a total of 301 validated claims now awaiting payment totaling 4,575,290 piastres. The delay between validation and payment represents time involved in GVN accounting process and delivery of payment check to a claimant by the province chief.

DoD is not involved in negotiations regarding Cambodian damage claims. This is a State Department matter.

The last question equates accidental spraying with the terror tactics of the Vietcong, and DoD is of the opinion that accidental spraying is not equatable with terror tactics.

RELEASE FROM EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY, OCTOBER 29, 1969

Dr. Lee A. DuBridge, Science Adviser to the President and Executive Secretary of the President's Environmental Quality Council, announced today a coordinated series of ac-

tions that are being taken by the agencies of Government to restrict the use of the weed-killing chemical, 2,4,5-T.

The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Biogenetics Research Laboratories which indicated that off-spring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought.

The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species; metabolic pathways may be different.

2,4,5-T is highly effective in control of many species of broad-leaf weeds and woody plants, and is used on ditch banks, along roadsides, on rangelands, and other places. Almost none is used by home gardeners or in residential areas. The chemical is effective in defoliating trees and shrubs and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives.

The following actions are being taken:

The Department of Agriculture will cancel registrations of 2,4,5-T for use on food crops effective January 1, 1970, unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods.

The Department of Health, Education, and Welfare will complete action on the petition requesting a finite tolerance for 2,4,5-T residues on foods prior to January 1, 1970.

The Department of Agriculture and Interior will stop use in their own programs of 2,4,5-T in populated areas or where residues from use could otherwise reach man.

The Department of Defense will restrict the use of 2,4,5-T to areas remote from the population.

Other Departments of the Government will take such actions in their own programs as may be consistent with these announced plans.

The Department of State will advise other countries of the actions being taken by the United States to protect the health of its citizens and will make available of such countries the technical data on which these decisions rest.

Appropriate Departments of Government will undertake immediately to verify and extend the available experimental evidence so as to provide the best technical basis possible for such future actions as the Government might wish to undertake with respect to 2,4,5-T and similar compounds.

#### FATE OF POW'S MUST HAVE TOP PRIORITY

Mr. COOK. Mr. President, from time to time in the Senate and in the press there is talk of national priorities and the proper ordering thereof. I should like to remind Senators that there is one item of unfinished business which must always take top priority in our consideration; that is, our concern for those Americans still held prisoner by the North Vietnamese.

We must, as a government and as individuals, work ceaselessly and diligently

for the release of these men. Meanwhile, we must do all that we can, daily, to make life for the men being held and for their families more bearable. Many of these men are still being held without being allowed to communicate with their families. Their wives, mothers, and children are without news and without knowledge of their whereabouts and their condition.

This situation is in clear violation of the Geneva Accords on Prisoners of War and must be remedied. This is the least that can be done for the men.

It is up to us to join in the worldwide effort to gain for these prisoners more humane, more decent treatment.

#### SEGREGATED SCHOOLS

Mr. ALLEN. Mr. President, the able and distinguished Senator from Connecticut (Mr. RIBICOFF), speaking in the Senate on February 7, 1970, made a historic speech accusing the North of monumental hypocrisy in the handling of the segregation which exists in its public schools. He pointed out that there is no real difference in *de jure* and *de facto* segregation—that if one is harmful, so is the other; that if one should be wiped out, so should the other.

The argument of the Senator from Connecticut was so logical and persuasive, and its moral force so strong, that it contributed in large measure to the adoption by the Senate of the Stennis amendment.

The junior Senator from Alabama, in tribute to the distinguished Senator from Connecticut, would say that the leadership furnished by the able Senator from Connecticut was second only to that of the distinguished Senator from Mississippi (Mr. STENNIS) in bringing about the adoption of the Stennis amendment.

I ask unanimous consent that an article entitled "Do Most Americans Secretly Want Segregation?" written by the able statesman and Senator from Connecticut (Mr. RIBICOFF), and published in Look magazine for September 8, 1970, be printed in the RECORD. The article will be of interest to all thoughtful and fair-minded Americans.

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

#### Do Most AMERICANS SECRETLY WANT SEGREGATION?

(By Senator ABRAHAM A. RIBICOFF)

Last February 9, in a speech on the floor of the United States Senate, I accused my own part of the country, the North, of "monumental hypocrisy" in its treatment of the black man. My speech occurred during debate on an amendment calling for a uniform national policy on school desegregation. Sen. John Stennis of Mississippi sponsored the amendment. I said I would support Senator Stennis.

In the speech, I argued that what is evil in Mississippi does not become a virtue when it is practiced in Connecticut. We Northerners have been too eager to point out the horrors of Southern segregation originally based on law (*de jure*), while moving to the suburbs and segregating our schools according to our housing patterns (*de facto*).

Of course, Presidents, senators, sociologists and boards of education can debate the relative evils of *de jure* and *de facto* segregation all they want. But for the black child who

is forced to suffer a segregated education, there is no difference.

Whether you call it *de jure* or *de facto*, it is segregation—pure and plain. For the black child, it means white people don't think his life is as important as a white child's, or that he is good enough to associate with their children.

How the message comes, whether by *de jure* or *de facto*, is irrelevant. What counts is the damage. That is the same in both cases. It often is permanent, jeopardizing the black child's entire adult life. No legal phrase can soften the blow or end the pain. The phrase *de facto* has only one purpose. It provides a "respectable" screen behind which white Americans can discriminate against black children.

Without question, many Southerners hoped the Stennis amendment would slow down integration in the South. Though the states that had dual school systems are desegregating under constitutionally based Supreme Court orders that nobody can change, some hard-core resisters are still trying to circumvent those orders by such methods as segregated classrooms in "integrated" schools or with private schools for whites. Clearly, any kind of slowdown in the South is unacceptable.

But it is time for us to stop looking only at the motives of the South. What about the motives of the rest of us? How committed are we to integration in our own backyards?

Those of us in the North should begin to look honestly at ourselves and see that our contribution to integration has been to refine the art of making sure blacks can ride in the front of buses we never ride, can live in someone else's neighborhoods and can work in the lower reaches of our organizations.

The fundamental problem is the increase in *de facto* segregation in both the North and the South. As long as this nation avoids facing the issue of *de facto* segregation squarely, many will insist that such segregation is accidental and therefore not illegal. This does more than absolve the North of responsibility for the unequal education afforded black children in their own communities. It also is an open invitation to the South to emulate the North.

In time, the South can argue that it has ended *de jure* segregation and replaced it with the *de facto* kind. As proof, the South will soon be able to say its cities and suburbs are just like the North's—black cities, white suburbs. Then what will our tolerance of *de facto* segregation have achieved? I argued seven months ago that we needed a national policy to end segregation in the North as well as the South. The need seems even more urgent now. If anything, recent actions by the President and the Congress have strengthened my conviction that America is heading down the road to apartheid, a strict separation of the races, based on *de facto* segregation, and that nobody who has the power to alter this course appears willing to do so.

The Senate did pass the Stennis amendment. But the Senate-House conference committee watered it down to the point where it marked a giant step backward. For the first time, Congress wrote into law the distinction between *de facto* and *de jure* and singled out only *de jure* for government action.

On March 24, President Nixon told the nation that while *de facto* segregation was "undesirable," his Administration would require no steps to end it, in either the North or the South.

Then, on May 21, the President introduced his Emergency School Aid Act of 1970, a two-year, \$1.5 billion package designed to promote desegregation. This legislation provides financial assistance for *de jure* school systems that must desegregate.

But the President's program also builds on the shortcomings of the earlier desegregation message with regard to *de facto* segregation. It doesn't require anything of anyone. It is purely voluntary. If you want to desegregate, fine. There will be money available to help you over the hurdles. If you don't, that's OK, too. It's not illegal. The decision is yours. The Federal Government will stay neutral.

In short, *de facto* segregation is still a "U.S. Government Approved" product. The President's program allows us all to continue to talk a good game of integration while serenely practicing segregation. The message to the South is unmistakable: If you segregate your society as well as your schools, as we do in the North, we can all segregate together.

What bitter irony that the model for American apartheid should come from the North. Most of us always believed apartheid would come exclusively from the South whose legacy of slavery and legalized segregation was fundamentally responsible for most of the racial tension in this nation. There is little doubt that if life had been better in the South, the black man would have stayed. He would not have embarked upon one of the greatest and swiftest migrations of a single people in our history.

But the South, no matter what happens with this month's school-desegregation drive, has no monopoly on being brutal to the black man. When he moved North, our welcome was a ghetto, an unemployment line, a substandard tenement, a poor school and no medical care. And all our criticism of the South, no matter how justified, cannot excuse or erase these facts. The North has been just as successful in denying to the black man and his family the opportunities we insist upon for ourselves and our families. Only we tell ourselves it isn't our fault. The institutions are responsible. There is nothing we can do. It's a terrible "accident," a fact all of us may decry, but for which few of us will accept responsibility.

An almost classic example of this kind of thinking occurred recently in Pontiac, Mich., when the Board of Education told a Federal court that the city's schools were segregated because its neighborhoods were segregated. The Board agreed with the black parents who had brought suit that a black child's segregated education was inferior and harmful and that the resulting damage was irreparable. But the Board argued that, since it had not created the segregation, it had no responsibility to correct this admittedly harmful and devastating condition.

The U.S. District Court Judge, Damon J. Keith, ruled otherwise. He found that despite its frequent pronouncements in support of integrated education, the Board had used its powers to perpetuate segregation and prevent integration.

The segregation in Pontiac is no accident. Nor is it in many American communities. Unlike its Southern counterpart, Northern segregation may not be traceable to one official action. But the thousands of individual decisions—by school boards, real estate brokers, businessmen, politicians, and private citizens—that created *de facto* segregation were all based on the same objective as the official *de jure* action: to keep blacks and whites separate.

Furthermore, a segregated education is harmful to white children as well. White students having no contact with blacks during their school years receive a distorted view of American society. Many of them acknowledge this fact and complain about it.

How can we reverse this trend?

We can begin by recognizing that we don't have to wait for the Supreme Court to rule on *de facto* segregation. The President and the Congress have all the power they need. The longer we wait, the worse the problems will be.

The Supreme Court originally acted against segregation in 1954 largely because every other political institution refused to act. If the President and the Congress continue to abdicate their constitutional responsibilities, they will only succeed in paralyzing the courts, which cannot carry the entire burden by themselves. Or, taking their cues from a reluctant Washington, courts may begin to give legal sanction to *de facto* segregation.

We must also recognize that focusing only on integration in our central cities will simply drive many of the remaining whites to the sanctuary of the surrounding suburbs.

A recent opinion poll reported that most Americans support integration and are willing to send their children to integrated schools. Substantial opposition to integration generally occurs when schools and neighborhoods cease to reflect the society at large. But this need not be an insurmountable problem if we view the entire metropolitan area—including the suburbs—as a whole. The percentage of blacks in most of these areas is less than 20 percent. In fact, in the major metropolitan areas in 1969, blacks made up only 12 percent of the population.

Our goal then should be a national policy to end segregation in all our schools, no matter what we call that segregation or how it occurred. We can't expect this to happen overnight. But we can require that all school districts in a metropolitan area formulate plans now to end segregation in all our schools within ten years. Every area's plan must provide for uniform progress each year, with the result being an end to all racial segregation in the final year.

Only when we require school integration throughout our metropolitan areas can we guarantee sufficient stability to avoid the white flight that has characterized large-scale integration thus far. Variations should be allowed, but only those that occur within the context of obtaining general racial balance.

Our policy, and the methods of achieving it, must be compulsory, all-inclusive and based on a timetable. We have had enough halfway houses for human rights in this country. They don't work. Left to our own devices, we will behave just as the South did for so many years—long on deliberations and short on speed.

Many argue that the suburbs never will go along with this. My answer is to end all Federal educational assistance to any individual school district that refuses to participate in its area's plan. Federal assistance also should be denied any state that gives aid to a school district that does not participate in such a plan.

Those communities that are hard-pressed to finance integration will need whatever help we can give them. Therefore, as the President has suggested in part, the Federal Government should provide school districts with funds to cover the additional expenses involved in desegregation. Cost is not a valid reason for the continued denial of human rights.

Talk of integrating suburban schools often results in frantic discussions about busing. Much of this issue is a "red herring." Millions of American children already are bused to school. Suburban parents often insist upon the opportunity for their children to ride on a school bus as a matter of right.

Moreover, busing is only one technique for integrating schools. Many school districts have successfully integrated their schools by redrawing district lines, pairing neighborhood schools, and locating new schools in areas that make integration easier. These techniques have actually reduced the amount of busing in some areas.

Many who object to busing don't really object to the bus ride. Their concern is the school at the end of the ride. As long as broad disparities exist in the caliber of students,

teachers, atmosphere and equipment in our schools, I can understand a parent's concern over proposals that would take his child from a school he knows to one that is unknown.

America cannot allow these disparities in its schools to continue. But the solution is not continued opposition to integration. Nor is it a call limited only to improving ghetto schools. Integration and the improvement of all schools must go forward together.

In the long run, though, lasting school integration cannot occur in a segregated society. It is a fantasy to think that integration can be achieved by letting black children attend our schools when we won't let their parents live in our neighborhoods. That was the basic point I sought to make last February. It is of critical importance.

Some 80 percent of all the new jobs developed in the past 20 years are in the suburbs. Blacks must have access to those jobs and to homes near them. We should encourage the suburbs to provide low-income housing. Private industry should hire more blacks and refuse to move into a suburb until housing for their low-income workers is provided. The Federal Government should refuse to locate its facilities or allow its contractors to locate in areas that do not provide low-income housing.

At the same time, the Federal Government must recognize the severe financial problems confronting suburban communities throughout the country. We therefore should supply additional funds to those suburbs that provide housing, employment and education for blacks in order to cover the additional expenses they have as a result of these activities.

I realize that this is a tall order, one that causes many supporters of integration to despair of the likelihood that we ever will take these steps. Some liberals even oppose a uniform national policy on desegregation on the grounds that spreading the skimpy Federal resources for implementing desegregation across the country will totally destroy their usefulness; that *de facto* segregation is a complex process against which we must move very carefully and slowly; and that moving in the North will generate such opposition that progress will stop everywhere.

But to me, these arguments are as unconvincing today as they were last February. The Congress has said it would provide the men and the money to implement desegregation on a national scale. Tripling Federal school-desegregation-enforcement activities would cost only \$10 million more a year. This country presently spends less than \$5 million a year in this area.

The "go slow" argument is based on the same reasoning that sent many Northern liberals into hysterics when it came from south of the Mason-Dixon line. Except we don't even have a policy of "go slow" in the North. We have a policy of "no go."

On the third point, that moving in the North would create enormous opposition, I have always assumed that we sought integration—and still seek it—not because we think it is popular but because we prize certain basic human rights. Nobody ever argued that integration was popular. But that doesn't justify a double standard for black children that says what's bad for you in the South is good for you in the North.

There is another question that we ought to settle once and for all: Why should we fight for integration when many blacks themselves call for separatism?

It is true that some blacks don't want integration. This is an understandable paradox. White tokenism in both the North and the South has made these blacks frustrated, bitter and angry. They want only to be left alone.

But it's a curious kind of morality that drives blacks to such despair over the possibilities of achieving integration and then uses this despair to justify doing—or not do-

ing—what we have always done or not done.

The most important fact is this: Most blacks still want integration. They cling to the same hopes and goals America has held out to every other group. Denying them their rightful opportunity because a minority of blacks has become impatient, and with good reason, is a shabby betrayal of the ideals this country is supposed to represent.

Making integration a national goal should not make it an impossible goal. I fervently hope that our commitment to integration is not so fragile that we shall discard it when we are asked to meet it. There are more constructive things for us to do than write obituaries for the cause of human rights in America.

#### BOMBING OF CULEBRA

Mr. FULBRIGHT. Mr. President, last week I placed in the RECORD a telegram I received from Mr. Rafael Hernandez Colon, President of the Senate of the Commonwealth of Puerto Rico, in support of the amendment to H.R. 17123, the Military Procurement Authorization Act, which would have the effect of terminating the Navy's use of the island of Culebra for bombing and shelling practice.

At the same time I reported that Gov. Luis Ferre and Mr. Jorge Cordova, the Resident Commissioner of Puerto Rico, had visited my office to discuss the matter.

Since that time I have also received a cablegram from another distinguished Puerto Rican leader, Mr. Luis Munoz Marin, who for many years was Governor of the Commonwealth.

Mr. President, I ask unanimous consent that the cablegram be printed in the RECORD.

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

SAN JUAN, PUERTO RICO,  
August 13, 1970.

Hon. J. W. FULBRIGHT,  
U.S. Senate,  
Washington, D.C.:

As I am convinced that the use of Culebra by the Navy is not necessary to national security in any fundamental sense I will fully support Governor Ferre if he decides to take a definite and unequivocal position on the return of Culebra to the full and uninhibited use of its citizens stop.

Best regards.

LUIS MUÑOZ MARIN.

#### MARK TRICE

Mr. GOODELL. Mr. President, I wish to join Senators in paying tribute to Mark Trice for his 50 years of service to the Senate.

Although I have been a Member of the Senate for less than 2 of the 50 years which Mark has devoted to this body, I am deeply grateful to him for his thoughtfulness to me.

It is rare, in public life, that efficiency can be combined with good humor, courtesy, and charm. And yet, Mark Trice has been doing precisely this. He has impressed all of us who have worked with him with his ability to remain friendly and calm even in the most trying of circumstances. Mark has set an example for us in this respect.

In the course of 50 years, Senators have come and gone, issues have been raised and then forgotten, wars have

been fought, bills have been enacted into law, great changes have been wrought over the face of the earth—and Mark Trice still serves the Senate and his country with the same consummate dignity which has marked his years of service in this Chamber. Truly, it is no exaggeration to say that Mark Trice has become an institution.

On this occasion, I offer my best wishes to him for the future.

#### ADDITIONAL SUPPORT FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, support for ratification of the genocide convention has been steadily increasing over the last few years. The treaty has been endorsed by virtually every major religious group. It has the support of humanitarian groups throughout the United States. As evidence of this widespread support I would like to submit for the record copies of several letters addressed to Senator CHURCH, the chairman of the Subcommittee on Genocide, from various religious and humanitarian organizations which support ratification of the convention. These organizations represent the views of thousands of their members and their support for ratification of the treaty demonstrates the need for immediate action on this convention.

I ask unanimous consent that three letters, one from the American Baptist Convention, another from the Commission on International Affairs, the American Jewish Congress, and one from the American Ethical Union, be printed in the RECORD.

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

MAY 6, 1970.

Senator FRANK CHURCH,  
Chairman, Sub-committee on Genocide, Senate Foreign Relations Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR CHURCH: Please make the following statement and attachment part of the record on the need for ratification of the Genocide Convention.

"In urging you to ratify the United Nations Convention on Genocide, we call to your attention the fact that American Baptists meeting in Annual Convention on eight different occasions have stated their belief that 'discrimination is one of the great evils of our time \* \* \* and is contrary to the Christian concept of the oneness of the human family.'

"We refer you also to our testimony before the Senate Foreign Relations Subcommittee on March 8, 1967 in which we noted that American Baptists had gone on record requesting the Senate to ratify four United Nations Human Rights Conventions, including the Convention on Genocide.

"We cannot emphasize too strongly the urgency of this action on which the United States has delayed so long."

Sincerely,

MABEL MARTIN,  
U.N. Representative,  
American Baptist Convention.

APRIL 17, 1970.

Senator J. W. FULBRIGHT,  
Chairman, Senate Foreign Relations Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: We are deeply gratified to learn that a subcommittee of the

Foreign Relations Committee shortly will begin holding hearings on the United Nations Genocide Convention.

It is more than twenty years since the Genocide Convention was first passed by the General Assembly and signed by the United States; and it is more than twenty years since that Convention was transmitted by President Truman to the Senate for its approval. During this period 75 nations have proceeded to ratify the Convention. Our own country, however, has regrettably, and to many inexplicably, continued to withhold its endorsement. This failure to act has compromised our country's support of the worldwide effort to elevate standards of morality and decency among nations.

We earnestly hope that that tragic impasse has now been broken. We are encouraged by the forthright action taken by the President, the Attorney General and the Secretary of State, each of whom has endorsed the call for immediate ratification. They have done so because they are convinced that such action would significantly advance international standards of justice without in any way derigating from the rights and protections enjoyed by American citizens under our Constitution and under our system of law. This view has been affirmed not only by the Attorney General but by legal scholars, jurists, numerous state bar associations and the faculties of law schools.

The responsibility for further action now rests inescapably upon the Senate. As one of more than 60 organizations in the Ad Hoc Committee on the Human Rights and Genocide Treaties, representing all sectors of American society, we are convinced that ratification reflects the genuine aspiration of each of these groups and of their tens of millions of constituents. We know that the overwhelming majority of Americans join us in the hope that your Committee will move promptly and positively in support of the Convention and will thus enable the entire Senate to act to bring about the long overdue ratification of this important treaty.

We respectfully request that this letter be incorporated in the record of the Subcommittee hearings.

Sincerely yours,

ELEAZAR LIPSKY,

Chairman, Commission on International Affairs American Jewish Congress.

U.N. COMMITTEE OF THE  
AMERICAN ETHICAL UNION,

New York, N.Y., April 20, 1970.

Hon. Senator FRANK CHURCH,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR CHURCH: The American Ethical Union has favored the ratification of the Genocide Convention in resolutions at various AEU Assemblies as far back as 1950. Our position is still the same, as stated in the copies of the resolutions enclosed.

In view of President Nixon's recommendation, we earnestly urge that the Foreign Relations Committee recommend ratification and that other Senators be urged to vote favorably on it.

Sincerely yours,

Mrs. MAY WEIS,

Chairman,

Mrs. ROSE WALKER,

Mrs. VERA GALANTER.

#### THE HONORABLE ALF M. LANDON DISCUSSES NIXON FOREIGN POLICY

Mr. DOLE. Mr. President, the State of Kansas is honored and fortunate to be the home of Alf M. Landon, a former Governor and 1932 Republican candidate for President of the United States. Governor Landon is now retired from public life, but from his home in Topeka he

maintains a lively interest in the affairs of his State and country.

On August 19, Governor Landon appeared on the Kansas educational television network to discuss the new directions in U.S. foreign policy under President Nixon. As those of us who know him have come to expect, Mr. Landon's observations were perceptive, stimulating, and most worthwhile.

Mr. President, I have obtained a transcript of the television program, and I believe that Senators would enjoy and profit from reading Governor Landon's foreign policy analysis. I ask unanimous consent that the transcript be printed in the RECORD.

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

#### PRESIDENT NIXON BUILDING BRIDGES

(By Alf M. Landon)

Many people are asking the question, "What is our goal in Vietnam?"

As I said three years ago, the Vietnam war is part and parcel of the entire world situation. It seems to me we are looking at the formulation of a tremendous and vital change in our entire foreign policy.

When you put it all together, it means a gradual, calm and firm disengagement from the containment of communism policies of Truman, Eisenhower, Kennedy and Johnson without returning to the smug isolationism of Coolidge, Hoover and Franklin Roosevelt in the 1920's and 1930's.

President Nixon is returning Okinawa to Japan in 1971. He is also starting to phase out American military bases there.

He is cutting our troops in Vietnam in half or more. In Korea, he is reducing our troops by a third or more. Aside from the valid military and political factors involved is the upsetting impact on the economy of these countries by a precipitous change in American foreign policies. Our President is confronted with these same problems in West Germany, where it is apparent he will shortly cut our troop strength.

Both in Asia and in Europe, our friends and allies are unhappy and nervous over the American President's new policies. Yet none have been willing to carry their fair share of their own defenses or are doing anything about that now.

Furthermore, their trade policies of blocking out American products are encouraging a rising tide in the Congress toward protective tariffs under the guise of quotas, a virulent form of isolationism. President Nixon's vigorous opposition to this legislation which is contrary to his policies and our national interests is effective in shaping up a better trade bill.

Arguing over Cambodia is like arguing over the Bay of Pigs or Santo Domingo. The indirect effects were as important as the direct effects. Cambodia, however, was in collaboration with the de facto government. The Bay of Pigs was not.

In the really crucial situation in the world today—the Explosive Middle East—the key country is Israel. Israel is also part and parcel of the entire world situation.

The Israelis are a tough people. They have proven their ability to defend themselves. However, they are a little country and cannot stand indefinitely military logistic losses and the economic pressure as well.

The success of our President's quiet, persistent policy for a temporary ceasefire there is a major step toward ultimate formal acceptance of a workable agreement between the governments in that area.

To sum it all up: While President Nixon at Guam was really abandoning President Johnson's assumption of the guardianship of all Asia at the Manila Conference in October,

1966, he also is abandoning our policy since World War II of trying to reform the world en masse in our own image. That is as applicable to Western Europe and the western hemisphere as it is to Asia and Africa.

Any president of a country the size, influence and affluence of the United States is bound in some degree to the policies of his predecessors. He cannot reverse them overnight. It takes time and patience.

So, when the question is raised as to what the goal of our government is in Vietnam or in the Middle East, I submit it is part of President Nixon's entire world policy of normalizing relations with other countries in the world—trade as well as military—Russia and China as well as the European Economic Community. It is the basic policy which U Thant has repeatedly urged on the United Nations. It is a modification, at least, of the unilateral policy in the United Nations, in favor of a more collective policy, which will build for the security on which peace of the world is built.

Put together, the steps taken by President Nixon are impressive toward establishing international relations based on mutuality of national interests instead of military garrisons.

1. Our President's policy does not involve retreating from Asia. The United States intends to remain a major influence in that area.

2. In the Middle East, President Nixon is accepting the fait accompli of Russian penetrations and growing influence in that area. Between the two governments, a favorable start is being made on hammering out workable relations that can contribute to Middle East stabilization.

3. West Germany and Russia have agreed upon a non-aggression treaty. That points up the fact that, following World War Two, no peace treaty was ever made. The new treaty is an important factor in world affairs, which has the support of the Nixon administration. And now comes East Germany asking for admission to the United Nations and diplomatic relations with its members. Also is the highly important resumption of diplomatic relations between the Vatican and Yugoslavia.

4. His policies are not based on the old concept of monopolistic special privilege in spheres of influence or of a unilateral balance of power. It is another illustration of the President's recognition of the realities and potentialities of life in the world in which we live.

5. They are not isolationism or Fortress America or nebulous. There are those unable to see the forest for the trees.

6. They are a slow and firm development, without blare of bugles, bluster or brinkmanship, of disengagement from containment policies. I think that leaves the United States in its rightful and sound position of speaking softly but keeping a big stick when necessary for world peace, recognizing the legitimate and enduring national interests of other peoples. It is also the recognition that, while technical developments make war more terrible, they also make peace more possible; for example, through better photographic surveillance methods.

These policies are designed to relieve us of the incredible drain on our material, mental and spiritual resources by attempts to police the world, which have disunited us at home without any compensating advantages. The incipient Nixon policy makes possible bringing our human and material resources to bear on our pressing and grave economic, racial and environmental problems at home.

We are handicapped in tackling our national and international problems with our house torn up and untidy. The same is true of the world at large. Mr. Nixon is formulating his practical foreign policies with new men or men who will be coming into governments all over the world, on the reasonable

assumption they are willing to face and adopt changes of mutual and creative advantage.

His policies are a cautious approach to a multilateral balance of power built on the broad base of mutual advantage—replacing military tension with a growing atmosphere of fundamental potentialities for human development offered by better worldwide educational facilities—more effective agencies for meeting the widening range of economic and environmental needs—a wider range of acquaintance among governments—and closer contacts in all human relations at the grass roots level.

That will do much to encourage lessening competition in the arms race, which is necessary to bring tranquillity and prosperity—on which peace is ultimately based—to the whole world.

That will also encourage the development of a state of mind—a determination to find positive roads to peace.

#### IMPACT OF THE WAR ON AMERICAN LABOR

**MR. FULBRIGHT.** Mr. President, last week the Committee on Foreign Relations had to cancel a hearing it had scheduled to receive testimony from labor leaders on the impact of the Vietnam war on labor in the United States. Subsequently, the individuals who were to appear submitted their statements and other material for the record. These will be reprinted in the committee's hearings on Vietnam.

In the meantime, however, I wish to place in the CONGRESSIONAL RECORD a news release issued by the United Automobile Workers which contains a succinct summary of the 75-page statement which was prepared for the committee by UAW President Leonard Woodcock.

As Mr. Woodcock points out:

The Vietnam war has cost the U.S. 8.8 million man-years in labor, has reduced workers' real wages and has intensified unemployment problems.

Mr. Woodcock has prepared a very thorough analysis of the effect of the war on American workers and I hope Members of the Congress and the general public will take the time to read the full text of his statement in the committee's hearings which should be available in the near future.

I ask unanimous consent that the UAW press release be printed in the RECORD.

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

#### VIETNAM WAR WASTES MANPOWER, CUTS JOBS AND REAL WAGES, WOODCOCK TELLS SENATE COMMITTEE

The Vietnam war has cost the U.S. 8.8 million man-years of labor, has reduced workers' real wages and has intensified unemployment problems, UAW President Leonard Woodcock declared in a statement submitted to the U.S. Senate's Foreign Relations Committee.

Woodcock's statement, at the committee's request, focused on the impact of the Vietnam war on American workers. The cost of the war, however, "has been greatest for the 50,000 or more young men who have lost their lives and for their families," he declared, and "for the more than 270,000 who have been wounded—many of them blinded, maimed or crippled for life."

"The cost has been very great for the American economy. Just in money terms it has been at least \$150 billion. But far more

important has been the waste of manpower, not only through the number of men put into uniform, but through the number in both government and private employment servicing and supplying the Vietnam war." The almost nine million man-years of wasted labor otherwise could have been used to "produce goods and services for the use of the American people," Woodcock pointed out.

Woodcock disagreed with the contention that the war benefited workers by creating 1.5 million additional jobs.

Certainly the jobs have been added, he said, "but at the time of the Vietnam buildup our economy was already expanding rapidly, unemployment was steadily falling, and there were still sufficient unmet needs in the country to have provided a civilian job for every person able and willing to work."

Working people have felt a disproportionate share of the war's impact through unequal draft and tax measures, unemployment, and other economic factors and the neglect of domestic needs, Woodcock asserted.

"To begin with the heaviest cost, we believe that the working people of America have borne more than their proportionate share of the direct human cost of military participation—the deaths, the woundings" and intensified social problems, he said.

The financial costs of the war, too, have fallen most heavily on the working people, Woodcock added. Increased taxes, inflation, short work-weeks and a loss of overtime—all traceable to policies resulting from the war—have caused workers' real buying power to fall.

He pointed out that median earnings for 1969 of every group of workers below the professional or managerial level are less than what government called necessary for "modest but adequate" standard of living. Their real buying power decreased between 1965 and 1969 despite higher wages.

The burden of unemployment, resulting from misguided efforts to stem the wartime inflation, falls upon workers, the UAW president said.

And, he added, not only does the burden of taxation to finance the war bear relatively heaviest on labor, but so does the resulting neglect of domestic needs.

In fiscal 1969, Woodcock pointed out, Vietnam expenditures were \$28.8 billion—\$550 million more than the combined domestic expenditures for health, education and manpower, community development and housing, economic assistance and Food for Peace, public assistance and natural resources. The war on poverty in America is one of the major casualties of the war in Vietnam, he said.

To meet the nation's real needs, Woodcock suggested numerous changes in national policy. He began with a reiteration of UAW's proposal for government to develop a conversion program that will offer workers an alternative to military production jobs and will insure the maintenance of payrolls. Unemployment, he stated, is greater than the official count of approximately 4 million. Adding persons not counted under present techniques of the Department of Labor would raise the true total "closer to 5.5 million," he said.

Other suggestions offered by Woodcock are aimed at problems of manpower policy, technology, training programs, relocation of workers, protection of workers' civil rights, full employment, a price-wage review board and overall national planning.

#### COMMEMORATION OF MR. JAMES D. BROWN

**MR. THURMOND.** Mr. President, on August 18, 1970, one of South Carolina's

outstanding and dedicated educators passed away. Mr. James D. Brown was a great South Carolinian, and our State has suffered a loss in his death.

In 1948, when I was Governor of South Carolina and ex-officio chairman of the State board of education, James D. Brown was appointed superintendent of education for Newberry County's public schools and served in that position until his retirement in July 1969. We who knew this man and are familiar with his work can praise him as a man devoted to educating our children in a manner that would prepare them for leading useful and productive lives. By his example, Superintendent Brown instilled in those who were privileged to come in contact with him a deep feeling of civic responsibility and high moral values.

Mr. President, I wish to express my deepest sympathies to Mrs. Lelia Taylor Brown and other members of the family. I shall always remember James Brown as a good friend, a dedicated servant of the people, and an outstanding educator. He will always be remembered by his students, associates, and friends, and his stimulating influence will continue to be felt in South Carolina. If a man's worth is to be measured by what he left behind, Superintendent Brown will be at the head of the list of individuals who left their State and community a better place for all to live and work.

Mr. President, the Newberry Observer of August 21, 1970, carried a death notice and biography entitled "James Brown, Former Superintendent of Education, Dies" and a very fine editorial entitled "The Late James Brown." I ask unanimous consent that they be printed in the RECORD.

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

#### THE LATE JAMES BROWN

James Brown was for many years Superintendent of Education for Newberry County's public schools. In fact when he retired in this capacity last year he held the distinction of being the last Superintendent of Education in this county to be elected by the citizens. Under present law, this position is appointive.

Mr. Brown was unable to enjoy his brief retirement, for shortly after he left the office an illness confined his activity. This week, Mr. Brown died.

The position of Superintendent of Education in any county school system today is certainly not a popular one; but neither has it ever been. And during the many years that Mr. Brown held this position he was faced with the insurmountable problems that befall an education system.

Those who are familiar with his work in this field, however, can clearly define him as a man who was dedicated to the principles of education, who held the sincere interest of every child in the public school system close to him, and who handled the responsible duties of his office in a manner that reflected credit upon himself as an educator.

In more recent years, the title of the office held by Mr. Brown was somewhat misleading for more than being responsible for the duties normally expected of a Superintendent of Education he was, in fact, more a director of finance for it was Mr. Brown who was in charge of the financial transactions of the county schools. This, within itself, is a full-time undertaking and today the educational system employs a person with such a title who has this responsibility alone.

Mr. Brown did a job for many years for this county as Superintendent of Education that will long stand on its own merits. For many years, appreciation for his services was reflected by the voters who returned him to office.

Today, we add a final and belated appreciation to the late James Brown for his loyal, dedicated, faithful and valuable services to literally thousands of Newberry County youngsters during his tenure as our Superintendent of Education.

JAMES BROWN, FORMER SUPT. OF EDUCATION, DIES

James D. Brown, son of the late Mrs. Lily May Caldwell Brown Folk and the late Horace Brown, died Tuesday night at the Columbia Hospital after a short critical illness.

He spent most of his life in the Long Lane-Beth Eden section of Newberry County. He attended the county schools and was graduated from Newberry College. He also attended the University of South Carolina.

He served in the Army during World War II.

His life's work was in the field of education, having served as a teacher, principal and Superintendent of Education of Newberry County from 1948 until his retirement in July 1969.

He was a member of Beth-Eden Lutheran Church. He served his church in many capacities on local, district and state level. He was also active in many civic, service and charitable organizations.

Surviving are his wife, Mrs. Lelia Taylor Brown; a step-daughter, Mrs. Virginia Shipman of Dyersburg, Tenn.; one brother, Hamilton Folk of Newberry; three sisters, Miss Sarah Folk and Miss Lillie Mae Folk, both of Newberry, and Mrs. Olin Lominick Sr. of Pomaria; and three grandchildren.

Funeral will be conducted at 4 p.m. today (Thursday) at the Whitaker Funeral Home by Rev. Paul Hatch. Burial will be in Rosemont Cemetery.

Nephews who will serve as active pall-bearers are David Folk, Hayne Folk, Wayne Folk, Bobby Lominick, Chris Lominick, Olin Lominick Jr. and Ralph Hembree Jr.

Serving as honorary pallbearers will be P. K. Harmon, J. V. Kneec, R. E. Beck, Ralph Watkins, Alan Caldwell, Ed Chandler, Tom Leitzsey, L. A. Richardson, Dave Waldrop, Dave Hayes, Charlie Lominick, Jim Phibbs Sr., Dr. B. M. Montgomery and Dr. E. J. Dicker.

Whitaker Funeral Home is in charge.

#### AN ALL-VOLUNTEER ARMY

Br. MOSS. Mr. President, I have long held the position that the Selective Service System needed drastic reform. As a cosponsor of several selective service reform bills, I have felt that if we must have the draft, then it must be as fair as possible.

I supported President Nixon, for example, when he requested authority to institute random selection. While there are still several bugs in the random selective system, at least it has removed some of the uncertainty that used to plague the lives of our young men.

But many unconscionable inequities still remain. Senator KENNEDY's bill, S. 1145, of which I am a cosponsor, would remove many of these inequities.

Yet I believe it will be impossible to make the draft completely fair. Conscription is inherently unfair. It is for this reason that I have always been in favor of instituting an all-volunteer army, if feasible.

Those two key words, "if feasible," have always been the problem. I now am of the opinion, however, that an all-volunteer army is feasible—or at least there is a high enough probability of success that we ought to give it a try by taking the first transitional step. I will support, therefore, the Hatfield-Goldwater amendment which institutes the pay increases and other reforms needed to make an all-volunteer army work.

All all-volunteer army is desirable for many reasons:

First. Denial of the freedom to lead one's own life according to one's own values is contrary to the spirit of our heritage.

Many of us have gotten so accustomed to the draft that we assume that there has always been one. But until World War II and the cold war era thereafter, there was no draft except briefly during the Civil War and the First World War.

Second. Forcing some to serve when not all must serve is an inequitable burden on a small minority. Too many young lives have been needlessly altered because of the dread of the draft. And as the Gates Commission notes, the draft is a tax-in-kind levied only on a small minority.

Third. Conscription is a costly and divisive procedure for manning the Armed Forces. It is costly because of the waste in manpower created by the great turnover. Its divisiveness is obvious to anyone who reads the newspaper.

Fourth. Making the military more attractive to volunteers should improve its way of life and its efficiency. The military has inevitably grown sloppy in its use of manpower because it has had an unlimited supply.

Fifth. Requiring congressional approval to activate the standby draft might deter a President from hasty deployment of troops. Never again could we have a full-scale war on our hands without some sort of congressional debate and approval.

Of course, an all-volunteer army will initially cost the Federal Government more in the budgetary sense. But I believe the Gates Commission makes a convincing case that the present system's true cost is actually higher.

Besides, there are many places where the military budget could be cut that would easily cover the additional costs of an all-volunteer army.

In summary, I believe the only fair draft is no draft. I intend to vote for the first step toward an all-volunteer army.

#### PRISONERS OF WAR HELD IN GLOOMY BONDAGE

Mr. HANSEN. Mr. President, the skies over North Vietnam are gray and gloomy with monsoon clouds, the earth underfoot soggy with monsoon rains. No wall, no window, no roof can keep out the all-pervading wetness and heavy heat of the Southeast Asian monsoon. It is a time when spirits are low and grayness seeps into the soul—particularly for those Americans who are held prisoner by the North Vietnamese Communist regime and are not allowed even the faintest glimmer of cheer by being able to communicate with their families.

We who are free here in America must do our utmost to insure every effort is made to alleviate the dreadful conditions under which these Americans exist. We cannot rest in these efforts. We must not allow the prisoners to think we are resting for to do so would be to add to the burden they already bear. We must work diligently to gain their freedom and to assure their families here at home that all is being done that can be done for their men in Vietnam.

Our own freedom must act as a spur to our conscience so that we can do nothing less.

#### CHIEF JUSTICE WARREN BURGER'S STATE OF THE JUDICIARY MESSAGE

Mr. THURMOND. Chief Justice Warren Burger, in his state of the judiciary message on August 10, 1970, proposed a plan to alleviate the serious problems our Federal court system is now experiencing. He noted that the long period of time it now takes to dispose of a criminal case has resulted in a loss of respect for justice and hence of deterrent power.

The public's faith in the protective function of government has declined to such an extent that the urgency that Chief Justice Burger cites cannot be disputed. Some steps to alleviate this serious problem should be taken by Congress now.

An excellent editorial published in the Augusta (Georgia) Chronicle of Friday, August 14, 1970, outlines Chief Justice Burger's proposals.

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:

##### COURT PROPOSALS

The implications of Chief Justice Warren Burger's proposals this week, in his State of the Judiciary message—the first in the Nation's history—could be far-reaching if a serious effort is made to put them into effect.

The urgency he cites cannot be disputed. Federal courts, as he noted, now take twice as long to dispose of a criminal case as they did a decade ago. The result has been, in part, a loss of respect for justice and hence of deterrent power. And, as a consequence of that loss, the public's faith in the protective function of government has declined. One example: Americans now spend \$2 billion a year on private protection and crime control to supplement public systems. This auxiliary effort is, of course, legitimate and even essential, but if carried to ultimate lengths the trend could be terrifying for a free society.

In addition to calling for the obviously needed increases in numbers of federal judges and attorneys, Chief Justice Burger suggests:

A state-federal judicial council in each state to iron out joint problems. This could be a time-saver in many ways—for example, in determining in advance matters of jurisdiction.

Cooperation on standards of conduct. We are now, as all know, in a period in which barbaric and anti-social elements are out to disrupt the courts as a first attack on democratic government. A helpful defense will be determination of uniform ways to prevent, with justice and dignity, nauseating spectacles such as those by the "Chicago Seven."

A judiciary council created by the Congress to report on judicial problems. In order to avoid the creation of overlapping and unnecessary governmental machinery, we would suggest with regard to this proposal that instead of a new council, the Congress consider appointment of a joint committee for the purpose, to some degree absorbing the duties of and replacing the present Senate and House Judiciary Committees.

A study of the type of court matters which could more efficiently be handled elsewhere. If this were done, it should be remembered, we would gain not only in efficiency but in a more constitutional government. The Supreme Court has become mired down in acting as a third legislative house, making laws with regard to such things as how individual states should apportion their own legislative bodies. Other matters which would more appropriately be settled in the Congress, or by the states or in the private sector have absorbed the High Court's time—matters such as pollution, urban ills, abortion and consumerism. And the entire federal judiciary has become a sort of super-school board, usurping local functions which would better be performed—as the law provides—by local people who know local conditions.

Reexamination of criminal procedure and the appeals process. By setting up restrictive rules on the handling of criminal cases by local police and state courts—designed to preserve individual rights but often serving to turn loose defendants proved to be guilty, and even confessing their guilt—the ground was laid for fewer pleas of guilty and for a flood tide of appeals. This is an area in which the action must come from the Supreme Court itself, if equitable procedures to protect the public are to be restored.

Insistence on high standards of professional conduct. This applies, of course, to judges themselves. But the most glaring examples calling for correction are actions by some of the defense attorneys representing vandals and anarchists in the courts, who put on disgraceful exhibitions of contempt, bad manners and temper tantrums. This can be taken care of by stiff contempt sentences, and disbarments.

Chief Justice Burger has opened up the possibility of some helpful reforms. We will be interested in seeing how thoroughly they are acted upon by the Nation's attorneys, the Congress and the Supreme Court itself.

#### PRESERVATION OF THE ENVIRONMENT

Mr. PERCY. Mr. President, I have been disappointed to note that despite the recent flurry of rhetoric and activity concerning the state of our environment, apparently more smoke than fire has been generated within the vital private sector. If this proves true, it hazards grave ramifications. It will mean in the long run that we were content merely to see the problems, but not really to meet them; we were content merely to talk, but not to accept the heavy and difficult mantle of commitment and action; and we were willing to cop out in the face of the urgent mandate to provide for the survival of life as we know it on this planet.

Given the truly critical situation with which we are faced, and given the intensity of recent public debate, one would certainly have expected a significant and immediate increase in activities designed to control pollution. One might have hoped, and with some justification, that every citizen would finally have begun to realize the necessity of personal sacri-

fices in the fight against pollution and embarked on such a course. And one might have hoped that every businessman would have begun to understand the unavoidable need to balance profits with a concern for the environment, to commit the requisite funds and energy to insure that his business does all it can to preserve an environment capable of supporting life.

Unfortunately, this hoped-for increase in activity and commitment has not yet materialized according to our indicator. A recent newsletter published by the Midwestern Air Pollution Prevention Association reports that total U.S. sales of industrial air pollution control equipment by 29 major manufacturers were up only 2 percent in 1969 over 1968. When these figures are compared to the increase of 3.5 percent in inflation, it is clear that, in effect, sales have actually decreased.

These figures represent, what might be called in pollution jargon, the "gritty-gritty." I certainly hope that future figures will reveal an increase in commitment—financial and philosophical—commensurate with the clearly established needs.

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:

#### INDUSTRIAL SALES OF MAJOR AIR POLLUTION MANUFACTURERS UP ONLY 2% IN 1969

Total U.S. sales of industrial air pollution control equipment by 29 major manufacturers were up only 2% in 1969 over 1968, according to figures compiled by the Industrial Gas Cleaning Institute, Inc., national trade association for the firms. Total sales in U.S. last year were \$94-million, compared with \$92-million in 1968. IGCI announced at its annual meeting in Boca Raton, Fla. An additional \$9-million sales were reported for Canada last year.

IGCI estimates that member companies now sell about 75% of all the industrial air pollution and dust control equipment purchased in the U.S. Karel A. Weits, newly-elected president of IGCI and vice president of The Ducon Co., Mineola, N.Y., pointed out that these figures represent total sales for industry of the 4 basic types of equipment available for controlling particulate matter: (1) electrostatic precipitators; (2) mechanical collectors; (3) fabric collectors; (4) wet scrubbers; plus several kinds of equipment sold for gaseous control.

The figures do not include any field construction costs associated with the equipment, nor costs of auxiliary equipment such as foundations, ductwork, instrumentation, cooling towers, fans or motors which are often included in gross figures compiled by other sources.

IGCI figures show a total of \$70-million sales reported by 17 companies in 1967, and \$69-million by 15 companies in 1966. The 2% increase in 1969 probably reflects an actual decrease in hardware sales volume from 1968, when allowance is made for the national 3.5% inflation factor last year.

#### BREAKDOWN BY EQUIPMENT TYPES

Breakdown of the \$94-million U.S. sales in 1969 by equipment types shows: electrostatic precipitators, \$34.5-million; fabric collectors, \$31-million; wet collectors, \$14.3-million; mechanical collectors, \$12.2-million; gaseous control, \$2.0-million.

The 29 member companies included in the 1969 sales volume report are: American Air Filter Co.; American-Standard Industrial

Products Dept.; Arco Industries Corp.; Belco Pollution Control Corp.; Buell Engineering Co.; Buffalo Forge Co.; Chemical Construction Corp., Pollution Control Division; Delta P Incorporated; Ducon Co.; Dustex Division, American Precision Industries;

Fisher-Klosterman, Inc.; Fuller Co.; Dracco Products; Gallagher-Kaiser Corp.; Kirk & Blum Mfg. Co.; Koppers Co., Metal Products Division; National Dust Collector Corp.; Pangborn Division, Carborundum Co.; Peabody Engineering Corp.; Precipitair Pollution Control, Inc., subsidiary of Advance Ross Corp.; Precipitation Associates of America, Inc.;

Pulverizing Machinery Division, Slick Corp.; Research-Cottrell, Inc.; Schutte and Koerting Co.; Seversky Electronatom Corp.; Torit Corp.; UOP Air Correction Division; Western Precipitation Division, Joy Manufacturing Co.; Wheelabrator Corp.; Zurn Industries, Inc., Air Systems Division.

#### CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

Mr. MATHIAS. Mr. President, I am pleased to report that public interest in preserving the Chesapeake and Ohio Canal continues to grow. At recent hearings before the House Committee on Interior and Insular Affairs, the Interior Department and a large number of State and local officials, conservation groups, and individuals expressed their support for the creation of a Chesapeake and Ohio Canal National Historical Park. While the testimony reflected some inevitable differences in emphasis, the degree of consensus in favor of this park was rather remarkable.

In a very timely editorial published on Saturday, August 21, the Washington Evening Star reiterated its support for canal legislation to "preserve some of the most endearing remains of the slow-paced Old America and provide refreshment for today's hurry-up urban populace." As the sponsor of the bill now pending in the Senate, S. 1859, I certainly share the sense of urgency expressed by the Evening Star.

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:

#### CANAL PARK

Creation of a lengthy national park along the Chesapeake and Ohio Canal would preserve some of the most endearing remains of the slow-paced Old America and provide refreshment for today's hurry-up urban populace. The park proposal picked up momentum in recent House hearings, where it received strong support, and we hope it will soon win congressional approval.

Advocates of the 184-mile national historic park seem at last to have reached unity on a plan of action. They are backing an Interior Department request for the addition of 15,000 acres to the 5,430 already owned by the government in the canal corridor. Interior also wants to spend \$47 million for canal restoration and a variety of family recreation facilities, and some conservationists think that would be too much clutter. But there is almost no prospect of appropriations for that work, and land is the paramount need anyway, as all the park proponents agree.

If the House Committee on Interior and Insular Affairs will issue a favorable report, the land-acquisition phase probably will follow in short order. Senator Mathias of Mary-

land warned the committee in the hearings that the canal strip "could become a sidewalk through a super-metropolis rather than a path through the countryside" if the legislation is delayed much longer. Land prices will burgeon and private developments will close in.

Almost 5.5 million people live within an hour's drive of the park which is visualized, and that total is swelling by the day. They deserve this quiet, shady retreat, for the dissipation of tensions and to retain a feeling of continuity with the people who passed this way before them. There are valuable lessons to be re-learned along the old towpaths.

#### TOWARD A FUEL CRISIS

Mr. HANSEN. Mr. President, it is unfortunate that events in the Middle East have resulted in what may well be a critical fuel shortage in some parts of the country this coming winter. These events have, however, pointed up the fallacy of Federal policies that have resulted in shortages of natural gas, coal, and fuel oil.

Those who have advocated these policies under the guise of consumer savings have, in fact, played a cruel hoax on the consumer who will now pay higher prices because of these policies.

A number of us in the Senate and House have been attempting for several years to bring this impending fuel shortage and energy crisis into focus and alert the public to the risks involved in "living it up" on cheap gas and what once was, but no longer is, cheap imported oil and oil products such as industrial fuel oil.

Now that the chickens have come home to roost in shortages of these vital energy fuels, the same advocates are searching frantically for a whipping boy and, as usual, blame it on the oil and gas industry.

A former chairman of the Federal Power Commission who advocated ceiling prices for gas producers that were unrealistically low in comparison with competing fuels now accuses the gas producers of holding down drilling for new wells in a pricing dispute.

Others accuse the oil companies of restricting the supply of industrial fuel oil by failing to build additional refining capacity on the east coast.

None of them mention the fact that these Federal policies—ceiling prices and a flood of imported industrial fuel oil, plus the fact that gas and oil exploration, drilling, producing, and distribution costs have skyrocketed like all other costs during the past several years—have caused this crisis.

Nor do they mention the fact that oil, gas and oil product prices have remained remarkably stable during this period in relation to other prices.

They apparently expect the oil and gas industry to do what no other industry is expected to do—continue to produce the abundant energy fuels the Nation has become accustomed to at a loss.

Mr. President, the public has been uninformed and ill informed for too long on this vital matter. I am glad to note that the news media has awakened to the real emergency aspects of the U.S. energy situation. I ask unanimous consent that an excellent article on the fuel

crisis, published in the current issue of U.S. News & World Report, be printed in the RECORD.

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

#### U.S. MOVES TOWARD A FUEL CRISIS

##### CLEAN ENVIRONMENT VERSUS FUEL FOR HOMES AND INDUSTRY—THE CONFLICT HAS COME TO A HEAD. PROBLEM: HOW TO FIND A SOLUTION BEFORE CRISES HIT

With little advance warning, the U.S. finds itself on the brink of an energy crisis. There are growing shortages of fuels from which energy flows to keep America's machinery humming and provide the base for its high standard of living.

Alarm is spreading at the highest levels in Washington.

The problem goes far beyond finding power to carry Eastern cities through the remaining days of summer heat and smog. Predicted are shortages, now or in the near future, of every basic source of energy—oil, natural gas, coal, hydroelectric power and nuclear power.

President Nixon, on August 6, warned of "the acute shortage of clean fuels for this winter." He directed his Domestic Council to take steps to alleviate this winter's shortages, and "to ensure an adequate fuel supply for the next five years."

On August 10, the Chairman of the Federal Power Commission, John N. Nassikas, reported coal stocks of many power companies supplies "critically short," and the supply of heavy fuel oil for utilities and industries jeopardized by a shortage of oil tankers.

*What happened?* Only a few months ago, the structure on which the U.S. supply of essential power sources is based seemed relatively secure and stable.

As 1969 ended, there was concern over dwindling U.S. reserves of natural gas, documented in a staff report of the Federal Power Commission. But the supply of crude oil available to the U.S. seemed more than ample. In fact, the majority of a Cabinet task force urged in February, 1970, that oil-import controls be modified to bring more foreign oil into the country and thus lower prices of gasoline and petroleum products.

Now, fast-moving developments have sent the nation's energy-supply structure tumbling. Growing concern over environment is seen by many experts as the main trigger to recent events. Says Charles Primoff, chief of the fuels and energy division of the White House Office of Emergency Preparedness:

"Environment is a principal reason for this sudden plunge into fuel scarcity. Air-pollution regulations, going into effect in many areas, have ruled out high-sulphur fuels—especially coal. Utilities, industries, government installations, office and apartment buildings are trying to switch to natural gas or low-sulphur residual oil."

"Natural-gas supply was already pinched. U.S. refineries for years have been cutting back on production of residual oil because imports made the price unattractive. Then came trouble in the Middle East, forcing more shipment of oil to Europe the long way around Africa. Tanker rates have gone through the roof, and so has the price of imported residual oil."

"Now coal, which could help ease this crisis, has become scarce. New environmental laws have increased strip-mining costs. The Federal Coal Mine Health and Safety Act, effective this year, has pushed up costs in underground mines."

"Some mines have closed, and many more may have to close. Others have been reluctant to expand production because of predictions that nuclear power would take over much of their market. But growth of nuclear power is far behind schedule for many reasons, not the least of which is the problem of locating plants where they will not disturb environment or people."

#### HIGHER PRICES?

If environment is to be protected and fuel shortages averted in the short and long-range future, energy experts say, consumer costs must rise sharply.

"The days of artificially low energy costs are drawing to a close," says John D. Emerson of the energy-economics division of the Chase Manhattan Bank in New York City. Mr. Emerson puts the situation in this perspective:

"Efforts will undoubtedly be made to protect the homeowner from the impact of the widespread and severe shortages which will develop over the next decade. Their success will vary from region to region. At this stage, it is not possible to be more precise. But one thing is sure: whether efforts are made to increase domestic supplies of suitable fuels for the residential market, or whether the nation will come to rely more on imports of foreign fuels, prices will rise."

A long period in which U.S. consumers have enjoyed a fast-rising supply of energy, at relatively stable costs, appears to be nearing an end.

American homes in 1970 consume more than six times as much electricity as they did in 1950. Use of basic fuels for home heating has increased by 50 percent in the same period.

On August 7, Dr. Paul W. McCracken, Chairman of the President's Council of Economic Advisers, issued an "inflation alert" in which he stated that "an important increase appears to be in progress in energy prices." Dr. McCracken gave this detail:

"Electricity prices have to date moved only slowly. Wholesale electricity prices are up only 1.8 percent in the 12 months ending in June, although this is itself a departure from the stability of earlier years. Wholesale natural-gas prices have increased about 3 percent in the last 12 months."

"These conditions of stability, however, are likely to change. . . . The prices of fossil fuel (coal and oil), which accounts for over three quarters of the production cost to generate electric power, have skyrocketed. Over half of the electric power in the country is generated by burning coal, and utility rates often contain an escalator clause tying the price of power to the price of fuel. . . ."

Dr. McCracken noted that the Tennessee Valley Authority, a public power agency long regarded as a "yardstick" for the power industry, is planning a substantial rate increase.

The higher TVA rates, effective October 1, will boost power costs to consumers in the utility's Southeastern U.S. service area by an estimated 23 percent. The rate boost is attributed by TVA officials to "rapidly rising costs for the coal burned in TVA steam-electric plants."

U.S. demand for energy in the decade 1970 to 1980 is expected to increase by 50 percent. That forecast comes from the energy-economics division of the Chase Manhattan Bank, which provides this breakdown of present sources of energy:

	Percent
Oil	44.7
Natural gas	31.4
Coal	20.0
Hydropower	3.6
Nuclear power	0.3

All of these five energy sources must be expanded in the decade ahead if Americans continue to live in the style to which they have become accustomed. This look at present prospects and a size-up of possible expansion of each energy source comes from experts in government and industry:

Oil: the big scramble. U.S. demand for oil is tremendous—an average of 14.8 million barrels a day. The system delivering this oil, experts say, had become so strained that recent demand shifts have knocked it out of kilter.

A basic switch, says Richard J. Gonzalez, oil economist and consultant in Houston, Tex., has been to the industrial fuel oil known as "residual" because it is what remains when higher-quality products have been refined from crude petroleum.

A major source has been Venezuela, but much of its petroleum is too high in sulphur to meet U.S. air-pollution regulations. Equipment to remove sulphur from Venezuelan oil is going in, but will not be ready for several months.

A scramble for other sources of residual oil, combined with the tanker shortage, has pushed the average price on the U.S. East Coast to \$4 a barrel, more than double that of a year ago.

Meanwhile, demand for all kinds of oil is rising fast. "Allowable" production in Texas, top oil-producing State, was raised August 1 to the highest level in 17 years. Louisiana's production is also at a record high.

Mr. Gonzalez notes that federal-leasing of offshore lands is at a virtual standstill, because of concern over oil spills.

More oil from Canada is a possibility to ease the present crisis, but over the long pull U.S. officials are not counting on large amounts from that country because demand there is rising, too.

Mr. Emerson of the Chase Manhattan Bank says that, at best, the flow of oil from Alaska by the end of this decade will be 2.5 million barrels a day. By that time, he predicts that U.S. demand may be as high as 25 million barrels daily, and as much as 7 million barrels a day will have to be imported from the Middle East and Africa.

Price and supply of Middle East oil, experts note, can change quickly. A few months ago, Persian Gulf oil could be laid down in the U.S. for less than \$3 a barrel. Now, because of higher tanker rates, the cost ranges from \$4.60 to \$4.70 a barrel.

Natural Gas: a squeeze. Gas producers have long maintained that federal regulation had held prices too low to encourage exploration. The Federal Power Commission, since a U.S. Supreme Court decision in 1954, has had authority to regulate wellhead prices of natural gas moving through interstate pipelines.

Now the FPC is acting to raise price ceilings. Says Chairman Nassikas, who came to the Commission in 1969: "We are attempting . . . to recognize the law of supply and demand and market conditions by taking action . . . to get gas flowing."

Most industry experts are predicting that critical natural-gas shortages will persist, even so. At hearings held in mid-July in New Orleans by the Interior Department on whether to open new areas offshore from Louisiana for oil and gas exploration, Mr. Emerson of Chase Manhattan Bank said:

"The total availability of gas that we can see in 1980 amounts to 63 billion cubic feet a day. Compared to the potential demand of 93 billion cubic feet a day, there is thus a deficit of 30 billion cubic feet a day—equivalent to more than 5 million barrels of oil."

Coal: spot shortages. The Office of Emergency Preparedness estimates total 1970 use of coal at 583 million tons, and production at only 571 million. Above-ground inventories are already shrinking, and spot shortages are showing up.

In early August, according to OEP officials, electric utilities nationally had 50 days' supply on hand. Ninety days' supply is considered normal. Some utilities were reported down to five days' supply and paying "staggering" prices for additional coal.

Bituminous-coal prices, on the average, increased by 35 per cent from June 1969, to June, 1970, according to the "inflation alert" issued by the White House on August 7.

Coal-supply problems have been accentuated by a dearth of railroad coal cars. Railroads have hesitated to order new cars in recent years because official forecasts have

indicated that nuclear energy would take over much of coal's market for power generation.

For the long range, U.S. underground reserves of coal are enormous. But mining will have to be expanded and technology developed to remove sulphur from the coal itself and the smoke it produces.

Nuclear power: a shortfall. A comment from FPC Chairman Nassikas:

"The program for installations of nuclear power generation has lagged two or three years behind the predicted level of five years ago . . ."

A study prepared for the Joint Committee on Atomic Energy of the U.S. Congress shows this: Of the 65 nuclear-power units that had been scheduled to go into service between 1970 and 1976, a total of 23 have already been delayed anywhere from a few months to well over a year.

Mr. Nassikas attributes the lag in development of nuclear energy to "delays in deliveries by major manufacturers of equipment, environmental opposition to proposed sites and technological problems affecting both physical and economic operation."

There is optimism that the present shortfall in nuclear energy can be overcome. Mr. Emerson of Chase Manhattan Bank says that an increase in nuclear-power output to furnish close to 10 per cent of total U.S. energy needs is possible by 1980.

Hydropower: the outlook. Industry experts say that significant amounts of power can be developed from "pump-storage installations." In these, water is pumped up to storage at a site above a river or reservoir at hours when power demand is low. The water is released to generate "peaking" power at hours when electricity demand is greatest.

New designs for pump-storage plants to make them intrude less on the environment have been developed. It is hoped that these will be acceptable to conservationists.

This sort of compromise, along with measures to overcome technical and other problems that beset the energy industry, are seen as essential if U.S. is to meet its soaring needs for energy.

#### PRAISE OF J. FRED BUZHARDT, JR., GENERAL COUNSEL, DEPARTMENT OF DEFENSE

Mr. THURMOND. Mr. President, last Thursday, August 20, 1970, J. Fred Buzhardt, Jr., of McCormick, S.C., was sworn in as a General Counsel of the Department of Defense by Secretary Melvin Laird.

Those of us in Congress from South Carolina are proud of this young man and are confident that Mr. Buzhardt will render our Nation a great service in this capacity. I take particular pride in this appointment, as Mr. Buzhardt served on my staff in the Senate for some 8 years.

On August 19, 1970, the editors of the State newspaper, Columbia, S.C., published an editorial on Mr. Buzhardt, entitled "A Quiet Man in a Big Job."

Mr. President, 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:

##### A QUIET MAN IN A BIG JOB

The Nixon administration without a doubt has disappointed many of the South Carolinians who helped put it into office.

But no one in the state can deny that South Carolinians have greater influence in Washington now than at any time in recent history.

There is, of course, no Palmetto State in-

dividual in the Executive Department with the stature, prestige and power that James F. Byrnes enjoyed in his heyday.

But South Carolinians, topped by Harry S. Dent of the White House staff, hold positions of importance throughout the Administration. One Washington source alleges that this state ranks third behind California and Illinois in the total number of Administration appointees.

This comes to mind with the elevation of J. Fred Buzhardt Jr. of McCormick to general counsel (chief lawyer) of the vast Department of Defense.

Politicians consider this quite a plum. Every department of the government has a general counsel. The power and prestige of the job is generally what the Secretary chooses to make it.

Based on Defense Secretary Melvin Laird's comments about Buzhardt on the occasion of his appointment, it would seem that he places great confidence in the quiet, hard-nosed South Carolinian.

This feeling is buttressed by that fact that Laird held the job open for Buzhardt for over a year. It will be recalled that Buzhardt was proposed for the job at the outset of the Nixon regime, but flak from integrationists, who remembered Buzhardt as Sen. Strom Thurmond's top aide, forced a change of signals.

Buzhardt was slipped into a double job as Laird's special assistant and staff director of the top-flight committee studying Pentagon operations.

In these roles, to the surprise of no one who knows that competent soldier-lawyer, Buzhardt earned his spurs and silenced his critics to the left.

In his new job Buzhardt apparently will have a role in implementing the controversial recommendations of the reorganization committee. This will be a demanding task, requiring perseverance, tact and salesmanship.

On past performances, Fred Buzhardt is equal to it.

#### SECOND ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. ALLOTT. Mr. President, last Friday marked the second anniversary of the Soviet invasion of Czechoslovakia. It is fitting that we all pause and remember the sights and sounds of the Soviet armor rumbling through the streets of Prague, and the mixture of anger and despair on the faces of the people.

The coming of the Soviet tanks did not crush a mighty structure of freedom. There was little enough freedom in Czechoslovakia at the time. It was still a one-party Communist dictatorship. But it was experimenting with some freedoms which might have enabled the nation to become a more open society.

It is evident that the Soviet Union cannot tolerate freedom even in small quantities, and even in neighboring nations. The severity of Soviet repression in Czechoslovakia in the last 24 months has confirmed the fact that the insecure tyrants in the Kremlin are deathly afraid of such slight opposition as is offered by mildly critical newspapers and the free and open discussion of public policy in public places.

The slight freedom enjoyed by Czechoslovaks in the months prior to the Soviet invasion was not the only casualty of that invasion. Here in the United States a theory was destroyed by that invasion. This was the tattered and threadbare

theory that the Soviet Union is mellowing and becoming a congenial member of the community of nations.

It seems inevitable that every time the Soviet Union goes 6 months without committing some especially loathsome act, a minor army of prophets will be ready to fill the quarterlies with essays describing the fundamental changes for the best in the Soviet despotism.

The only good that came from the Soviet invasion was the mortal wounding of the theory about emerging Soviet decency. The invasion of Czechoslovakia was too high a price to pay for that. But if we learn anew the facts about the continuing threat posed by the Soviet Union, then we can truly say the Czechoslovakian struggle for liberty was not in vain.

#### ALL-VOLUNTEER ARMED FORCE: A FORMULA FOR THE FUTURE

Mr. HANSEN. Mr. President, like many other Senators, I have for a number of years considered the pros and cons of an all-volunteer armed force for the United States. There is much to be said in favor of such a concept, and I believe most of this has been said, repeatedly, over the past 2 years.

In my opinion, the proposal to end the selective service program has been, and is, a nonpartisan issue. There are proponents and opponents to the measure throughout the political spectrum. The Gates Commission, in its report to the President, listed what it recognized as the "main objections" to elimination of the draft.

These were:

- (1) an all volunteer force will become isolated from society and threaten civilian control;
- (2) isolation and alienation will erode civilian respect for the military and hence dilute its quality;
- (3) an all-volunteer force will be all-black or dominated by servicemen from low-income backgrounds;
- (4) an all-volunteer force will lead to a decline in patriotism or in popular concern about foreign policy;
- (5) an all-volunteer force will encourage military adventurism.

The Commission then set about replying to these objections.

These certainly have not been my objections. I do not believe that any of these consequences would necessarily result from termination of the draft. Neither did the Commission.

But I do believe that many of the Commission's assumptions are open to question because in most cases, they have selected the most favorable aspects of a number of conditions. It has appeared to me that the Commission report has been, rather than a balanced feasibility study of the proposal, a presentation of the favorable evidence for an all-volunteer force such as a defense counsel might present to a jury.

In addition to the defensive nature of the report, this type of presentation was continued by members of the Commission staff at briefings in the Senate Office Building conducted for Members of Congress and their staffs. These Commission staff members remarked several times during at least one of the briefing

sessions that those who favor abolition of the draft should not defend the concept, but should endeavor to force those in opposition to the concept to defend their stand against ending the draft. It was difficult to accept these briefing sessions as an unbiased presentation of fact.

Nevertheless, in my view, these briefing sessions provided valuable information, information that should be carefully considered by the Members of the Senate. Dr. Walter Y. Oi, a director of research for the Commission, noted that 44 percent of the Army enlistees would not have volunteered had they not been draft motivated. He said that 30 percent of Marine volunteers would not have enlisted without draft motivation.

It was further pointed out at the briefing that 18 percent of the Army's volunteers currently have infantry assignments. This means, generally speaking, that the other 82 percent of the Army's volunteers serve in areas other than infantry.

There is not much question that, while the infantry is one of the proudest arms of the military forces, the infantry bears the brunt of the dangers of war, the highest casualty rates, and the least pleasant environment as we know conventional warfare.

What these figures bring us to is a "main objection" that the Gates report failed to list, and that is the question as to whether an all-volunteer military force will work, with the vast commitments of the United States today in Indochina and throughout the world, now or in the unforeseen future.

The Association of the United States Army had this to say in a resolution adopted October 15, 1969:

#### NO. 7. ALL-VOLUNTEER ARMY

Throughout the history of the United States, military security has depended upon the willingness of all able-bodied citizens to serve in the armed forces, either as volunteers or through some form of selective service when the necessity has arisen.

It is recognized that the present selective service system has accomplished the following:

(1) Provided sufficient manpower to the active Army to enable it to accomplish the varied and difficult missions with which it has been charged.

(2) Increased the number of voluntary enlistments for longer periods among those who perhaps would not have considered military service had there been no selective service obligation.

(3) Insured the availability of individuals with varied skills and experience vital to the mission of the Army.

(4) Provided a source of trained manpower for Army Reserve and Army National Guard forces and has created a reservoir of battle-experienced citizens who could be counted on in any emergency requiring rapid expansion of the armed forces.

It is recognized that under future circumstances which might place a lower manpower requirement on the Army, an all-volunteer system of service could be practicable and desirable. However, it does not appear that the personnel requirements under present conditions could be maintained through an all-volunteer system. With an all-volunteer Army, it would be essential to provide a back-up of trained reserve elements in larger numbers than now exist to insure an effective force sufficient to meet any national emergency.

We therefore resolve to support the con-

tinuation of a selective service system as long as required, to function in concert with a strong volunteer system.

What the Army Association is saying is that the Selective Service System is time tested and proven, in time of actual war, and in time of the continuing cold war, which will not end with American withdrawal from Vietnam, and which will continue to require vast American manpower in uniform.

The Gates Commission staff briefings seemed to indicate that the all-volunteer concept also is time tested in the forces of the United States. They referred to the great success of the Marine Corps which, for the most part, has been an all-volunteer force and certainly has won worldwide recognition for its excellence in combat. But the Marine Corps is an elite force, and it is a relatively small force—normally in time of peace numbering less than 200,000 men and officers—including its air wings and other supporting units.

The Marine Corps, in World War II and in the Vietnam war, nevertheless found it necessary to go to the draft to meet its wartime combat requirements. During the Korean war, the Marine Corps found it necessary to call its civilian reserves to active duty. As pointed out earlier, 30 percent of the marine enlistees in the Vietnam war told the Gates Commission they volunteered to prevent being drafted into another service.

The Commission dwells heavily on increased pay and benefits as an incentive for military volunteers. It is important that the men and women of our Armed Forces receive good salaries and that they be able to support their families and have a standard of living as nearly as possible equal to that of Americans in other endeavors.

I certainly support this.

But I do not believe the main emphasis in seeking men to serve this Nation in its Armed Forces should be upon pay and benefits, but upon the honor of serving their country.

The Marine Corps has had and now has great success as a volunteer fighting force. But the men of the Marine Corps do not receive or have not received extra pay and allowances for the hazardous duty they are called upon to perform. Yet, hundreds of thousands of American men have volunteered for the Marines; not for high pay, but to serve their country.

To consider higher pay as a major incentive for serving this country is, in my view, a mercenary approach. Yet we hear many deplored the use of mercenaries from other nations—mercenaries who likely can be bought at a lower price than could Americans—to wage war.

I support the concept of Americans volunteering to fight for America.

But I respectfully question whether the all-volunteer armed force is really possible, especially with the short-range and long-range military commitments which face the United States today.

The problem, as the figures on the Army's draft-motivated volunteers indicate, is in obtaining combat troops.

The Gates report lumps all of the services together to obtain a favorable

overall percentage of volunteers in the armed services at this time. The combat troop problem has not been isolated. Combat troops are those whose mission it is to close with the enemy in offensive or defensive action and to defeat him on the battlefield and at his field bases. The exposure of these combat men to hardship and to the possibility of being killed, captured, or wounded is far greater than that of others in the armed forces. Except for certain elite units, men less readily volunteer for such direct combat duties.

Mr. President, I support higher pay and benefits for the men of our Armed Forces, but I do not feel the Hatfield-Goldwater amendment to be in the best interest of our national security at this time.

Therefore, I will vote against this proposal, and I urge its defeat.

#### UNIVERSITY PROFESSORS FOR ACADEMIC ORDER, INC.

Mr. ALLOTT. Mr. President, I invite the attention of the Senate to the formation of a new academic association that deserves the praise and support of us all. This is University Professors for Academic Order, Inc.

I am pleased to be able to share with the Senate the first issue of the organization's newsletter, *Universitas*. This newsletter contains six interesting items.

First, there is a spirited and learned essay on "The State of American Higher Education," written by Dr. William H. Roberts, professor of international law and relations at the Catholic University of America. I have been fortunate to receive the benefit of Dr. Robert's scholarship and shall soon be sharing with the Senate a memorandum he has prepared on the inadequacies of the so-called Amendment To End the War.

Second, there are excerpts from the Articles of Incorporation of the UPAO.

Third, there is a preliminary program and policy statement setting forth the aims of the UPAO, and it is especially interesting for its comments on the American Association of University Professors.

Fourth, there is a list of State and campus representatives of UPAO. This list is already impressive and, I am sure, will grow. I am pleased to see that Colorado is already well represented.

Fifth, there are excerpts from a lively and altogether splendid letter to the President's Commission on Campus Unrest. I am proud to note that this letter is from Prof. Tyrus Hillway, director of academic development and professor of higher education at the University of Northern Colorado. I applaud the sentiments he expresses, and am only sorry that I cannot agree with his assertion that the Commission on Campus Unrest is an objective commission for which we should be grateful.

Sixth, there is an interesting note from Prof. Fred W. Decker of the meteorology department at Oregon State University.

Mr. President, so that all Senators may enjoy the evidence of academic moderation, I ask unanimous consent that these items from *Universitas* be printed in the RECORD.

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

#### THE STATE OF AMERICAN HIGHER EDUCATION (By William H. Roberts)

Judge Learned Hand once said that our courts cannot be better than our judges are. A similar statement can be made, and probably with even greater justification, in regard to our colleges and universities. In the course of the last years, headlines referring to campus unrest and student revolutions have become daily routine. However, the curiously similar patterns of student unrest in all Western countries give rise to the legitimate query, whether it is, in fact, as frequently urged upon us, only a reaction to national policies—foreign or otherwise—or just a symptom of the social environment of the late 1960's and early 1970's. Clearly, the leadership groups of the various national student movements seem to have taken upon themselves the apostolate of the ideology of the "New Left." These leadership groups are well endowed with travel funds to meet together, nationally and internationally, and thus to concert their policies.

However, we have to ask ourselves whether this revolutionary unrest has not deeper roots, and whether it could have reached its present dimensions if the universities and colleges had actually played their organic role in society. With Judge Hand, we believe that our institutions of higher education cannot be better than their faculties and administrators. It is they, who in view of their relatively long-term connection with the institutions, exercise a by far greater influence than the coming and going student body.

It is the deep-seated anomie of a wide sector of faculty members and of their representative organizations, which, in fact, makes the revolutionary student unrest possible, if it is not actually, however timidly, tacitly or nefariously, engendered by it.

In 1927 Jules Benda wrote his *La Trahison des Clercs* which has been clumsily translated as *The Betrayal of the Intellectuals*.

In his introduction to the translation Herbert Read stated that Benda's "clerk" was the "distinguished thinker—the man who pursues knowledge oblivious of the social and economic tendencies of the time. . . . Now M. Benda's charge is that the clerks of today, almost without exception and whatever their standing, have betrayed the cause of speculative thought of the interests of political passion." Read summarized correctly Benda's charges when he said that "Instead of humanism, which is an intellectual concept . . . they substitute a sentimental humanitarianism. . . . Instead of leading the mob, they follow the mob; they adopt the politics of the mob and sanctify them—give them an intellectual gloss." This is exactly the position which has been taken by many members of our college and university faculties in the course of the last decades.

It is imperative to raise the question whether the American universities and the academic profession can live up to the aims and goals of higher education in the environment of a permissive society. For centuries, the purpose of higher education has essentially been that of handing down our heritage to younger generations and of making new contributions to that heritage. Similarly, it was understood that professional or vocational training had to rest on a firm foundation of sound, general education if the advanced training was to produce more than men who came to know increasingly more about progressively shrinking slithers of knowledge. As the scope of their knowledge shrank, it became progressively more meaningless not only to them but also to those who did not happen to master the rarefied techniques necessary for

the manipulation of these disjointed particles of knowledge. The balance shifted from a process of education to a mere learning of techniques. In the former, the educator fulfilled an essential and organic task. In the latter, the educator has become but a necessary evil that supervises the "learning" of the student. The teachers have disappeared from our classrooms and have yielded their places to petty bureaucrats. The students have been left to face their intellectual growing pains without the guidance of the educator in the past. Small wonder that the student came to dislike and to distrust the classroom bureaucrat who more often than not delegated his rather degrading task to graduate assistants and instructors. The actual professional life of the educator-bureaucrat is now lived in the never-ceasing battle to solicit ever more money for ever less meaningful "research projects." Frequently, the educator-bureaucrat does not even bother to do or to direct the research himself.

This trend has been reinforced by the increasing tendency to consider colleges and universities as mass-education institutions and to use, therefore, mass-learning techniques. The transfer of the cultural heritage and, at a later point of the educational process, specialization within the framework of that heritage, has given way to the mere learning of essentially vocational or professional methodologies and techniques. The institutions of higher education and the academic profession found themselves and, indeed, find themselves increasingly confronted with a crisis in which they are about to lose the organic place which they had occupied in society for centuries.

The anomie and atomization of modern society have been assisted by the breakdown of the inner structure of higher education. In turn, the purveyors of the "multiversity" and of the "meritocracy" repaid their debt to modern society by accelerating the trend leading toward cultural nihilism. "Permissive" society has declined any responsibility and has shown neither interest nor understanding for the organic processes of higher education. The impact of this rapidly moving process on faculties and students alike has been disastrous. The student who had been abandoned and betrayed by the members of the academic and bureaucratic meritocracy came to understand intuitively that a power vacuum had come into existence. This vacuum the students have tried to fill in the face of disinterested faculties and academic administrators who consider it their job to run institutions, i.e., students and the more serious faculty members whose principal commitment is to the university rather than to foundations or professional organizations, as efficiently as possible. Clearly, administrative efficiency as the highest value has led to impersonal learning and an administrative structure which the students came to resent. It is necessary to point out that this resentment has been kindled and supported by forces which seem to have a vested interest in doing away with the very pillars of an organically integrated society. It was a Dutch Communist—incidentally, a university professor—who wrote several years before the First World War that the safest and quickest way to destroy society and to reshape it was the destruction of the educational process from within.

In the face of student resentment, the bureaucratic meritocracy and the academic administrators have all too frequently attempted to "alibi" themselves by, at best, permissiveness; at worst, by not only embracing the symbols but by providing the leadership in the wave of resentment which they themselves had triggered.

Many of these faculty members are "alumni" of the "Post-Huron Statement" period and were at one or the other time active SDS members. The later middle-age and

older groups of faculty members, as many of them frankly admit, have never overcome the trauma and deprivations of the great depression. The very inability to transcend their early experience, points to their emotional instability which, in turn, made them respond, behind the screen of various rationalizations, to the present ideologies and movements which, at best, tend to emphasize the weaknesses and to de-emphasize the inner strengths of American society.

Already in 1956, William Whyte in his now classic book on *The Organization Man* pointed out that the ethics of personal responsibility had been replaced by administrative and research team-work which lowers the level of personal responsibility to the point of disavowing it. Similarly, the "new American academic mandarins" are responsible for the steady decline of the most essential type of research, basic research, which—in the sciences and arts (including the humanities and social sciences)—is fundamentally a highly individualistic venture. Such research is directly and indirectly, e.g., by economic sanctions, discouraged and replaced by grandiose and costly projects whose budgets, similar to those of the universities and colleges, are inflated by the inordinate cost of an administrative superstructure which is disproportionate to the educational and research input and output. When in 1954 the Reece Committee of the House of Representatives filed its Report (83rd Cong., 2nd Sess., House Report No. 2681) it said: "The bureaucrats of the foundations have become a powerful group indeed. Not only do they determine grants and grantees, but they exert an influence on academic life second to no other group in our society." Today this statement has to be supplemented by adding to it the members of the academic and research bureaucracy. This is not to underestimate the national need for, and the great importance of, well-founded team research but only to point out its excesses which tend to destroy the very roots of American higher education. These excesses have also an entropic and erosive effect on the vitality of individual research which provides the very life springs of team-research.

The repercussions of all these developments are so closely linked to questions of the future shape and the very existence of this nation that the repeated attempts which have been made to present them either as isolated phenomena, or as reactions to this or that foreign or domestic policy, are completely misleading. The words of Werner Jaeger in his *Paideia: The Ideals of Greek Culture* apply to us as much as they applied to ancient Greece: "... education in any human community ... is the direct expression of its active awareness of a standard" (Jaeger's emphasis). Jaeger might well have referred to the academic situation in our universities and colleges when he said that "... the regime was indirectly threatened by the frankly naturalistic tone of this Sophistic philosophy, which by rigid application of its own standard to all human life was undermining the authority of the existing moral code."

The faculty members and research associates of our universities who do not subscribe to the dogmas on which the bureaucratic meritocracy insists, have found themselves increasingly isolated, harassed, economically disadvantaged, and endangered by possible denial of tenure and promotion. Unfortunately, AAUP which has been widely accepted as the organization which represents the interests of the academic profession has been increasingly influenced by the educational and research ideology pervading the new "spirit" of academia. Since AAUP has been mainly concerned of definite and generally accepted standards—has been completely controlled by the ideologies of those who wield the controlling influence

on the campuses of the nation today. This fact has also found expression in uncalled-for AAUP statements on various non-academic issues.

In the face of this situation, has the time not come to bring to an end our enforced isolation, and to pool our moral and intellectual resources in the interest of the real values of higher education and research, which provide the backbone of the Republic, as well as in the interest of our self-preservation and protection?

EXCERPTS FROM THE ARTICLES OF INCORPORATION OF UNIVERSITY PROFESSORS FOR ACADEMIC ORDER, INC.

Third. The purposes for which the corporation is organized are:

1. To advance the legitimate ideals of the University within the framework of the Constitutional and ethical values upon which our government and social order have been founded.
2. To preserve and advance the ideals of the academic profession by furthering the cause of academic freedom for all teachers in all institutions of higher learning.
3. To promote scholastic excellence among teachers and research scholars at universities and colleges and research institutions of similar grade.
4. To facilitate effective, collegial cooperation among scholars of colleges, universities and related professional schools and research institutions.

PRELIMINARY PROGRAM AND POLICY STATEMENT  
ADOPTED BY THE BOARD OF DIRECTORS, UNIVERSITY PROFESSORS FOR ACADEMIC ORDER, INC., ON JULY 19, 1970

I. UPAO AND OTHER ACADEMIC PROFESSIONAL ORGANIZATIONS

"University Centers for Rational Alternatives" (UCRA) is basically interested in and committed to a discussion of the three principles stated in *Measure* (UCRA's publication). UCRA is not a centralized organization, but depends on individual campus organizations which address themselves on the basis of UCRA principles to specific problems of their respective institutions.

"The American Association of University Professors" (AAUP) is a policy-making and rule-enforcing (protective) organization which, though it has campus chapters, operates essentially through a national organization. Policy-making and protection lie in the hands of about twenty committees.

"University Professors for Academic Order" (UPAO) is intended to be a policy-making and rule-enforcing (protective) organization for members of the academic profession who feel, that, in fact, their professional and philosophical interests are not represented by AAUP.

In its first years, UPAO will not need the elaborate AAUP committee structure. UPAO can, for the time being, omit some of these committees which AAUP has set up. For its organizational purposes, UPAO will initially limit the number of its committees by assigning to each committee tasks handled by several AAUP committees.

II. INITIAL PROGRAM OF UPAO

1. Sustained and funded membership drive continuing through state (regional) and campus (local) organizations as soon as they are established. The goal should be at least 1500 members by the end of 1970.

2. Visits by UPAO's president to establish personal contact with provisional state (regional) and campus (local) representatives and members.

3. Convocation of a national meeting of State (regional) and campus (local) representatives in Washington, D.C., preferably on January 30-31, 1971, which will elect a Board of Directors. Suggested: National Chairman, Secretary, Treasurer, one or two permanent

delegates from each region and the committee chairmen.

III. INITIAL COMMITTEE STRUCTURE OF UPAO

1. Executive Committee.
2. Committee on Policy Statements on Academic Issues (has no counterpart in AAUP).
3. Committee on Membership and Dues.
4. Committee on Representation of Professional and Economic Interests.
5. Committee on College and University Government.
6. Committee on Accreditation of Colleges and Universities.
7. Committee on College and University Teaching, Research, and Publications.
8. Committee on Relationships of Education to Federal and State Governments.
9. Committee on Academic Freedom and Tenure.
10. Committee on Chapters and Conferences.

IV. GENERAL POLICY STATEMENT

UPAO members will work for the realization of the following objectives:

1. To give UPAO members the opportunity to promote policies on academic issues which aim to recover for higher education and the academic profession their organic place and functions in an American society whose public life is governed by and organized in accordance with the Constitutional and ethical values upon which this nation's social and governmental order have been founded; and
2. To protect members of the academic profession from academic, professional and economic harassment and from infringements upon their academic and civic rights.

STATE AND CAMPUS REPRESENTATIVES AS OF JULY 31, 1970

STATE REPRESENTATIVES

Colorado

Professor William C. Stickler, Department of Chemistry, University of Denver, Denver, Colorado 80210.

Missouri

Professor Jerzy Hauptmann, Department of Political Science, Park College, Parkville, Missouri 64152.

Oregon

Professor Fred W. Decker, Department of Meteorology, Oregon State University, Corvallis, Oregon 97331.

CAMPUS REPRESENTATIVES

Arkansas

Professor George P. Smith II, School of Law, University of Arkansas, Fayetteville, Arkansas.

California

Professor William H. Haeuser, Jr., Department of Business, Yuba College, Marysville, California 95901.

Professor Carl A. Thomas, Department of Theatrical Arts, Sacramento State College, Sacramento, California 95819.

Colorado

Professor Wladislaw Cieslewicz, Department of Economics, Colorado School of Mines, Golden, Colorado 80401.

Professor Roy Colby, Department of Modern Languages, University of Northern Colorado, Greeley, Colorado 80631.

Professor John Greenway, Department of Anthropology, University of Colorado, Boulder, Colorado 80302.

Professor Libor Brom, Department of Modern Languages, University of Denver, Denver, Colorado 80201.

Illinois

Professor Patrick Tarrant, Department of Foreign Languages, Illinois State University, Normal, Illinois 61761.

Professor Paul Warren Allen, Director, School of Music, North Central College, Naperville, Illinois 60540.

## Kentucky

Professor R. M. Longyear, Department of Musicology, University of Kentucky, Lexington, Kentucky 40506.

## Michigan

Professor John A. Clark, Department of Mechanical Engineering, University of Michigan, Ann Arbor, Michigan 48823.

Professor Allan Spitz, James Madison College Department of Political Science, Michigan State University, East Lansing, Michigan 48823.

## Minnesota

Professor Mark Graubard, Director, National Science Program, University of Minnesota, Minneapolis, Minnesota 55455.

## New Jersey

Dean Heinz Mackensen, The University Evening Division, Fairleigh Dickinson University, Rutherford, New Jersey 08028.

Professor George Geng, Department of Psychology, Glassboro State College, Glassboro, New Jersey 08028.

## New York

Professor Sandor Balogh, Department of Political Science, Hudson Valley Community College, Troy, New York 12180.

Professor Yolanda Ortal, Department of Modern Languages, College of St. Rose, Albany, New York.

Professor Anthony T. Bouscaren, Department of Political Science, LeMoyne College, Syracuse, New York.

## North Carolina

Professor Robert C. Lamb, Department of Chemistry, East Carolina University, Greenville, North Carolina 27834.

## Ohio

Professor Stephen T. Bihari, Department of Modern Languages, Ashland College, Ashland, Ohio 44304.

Professor Nathan F. Cardarelli, Division of Engineering & Science, University of Akron, Akron, Ohio 44304.

Professor William O. Swan, Department of Education, Youngstown State University, Youngstown, Ohio 44511.

## Oregon

Professor Olaf Boedtke, Oregon State University, Corvallis, Oregon 97331.

## Washington

Professor Rev. Robert Bradley, S. J., Dean, College of Arts & Sciences, Seattle University, Seattle, Washington 98122.

Professor Gary L. Peterson, Department of Speech, University of Puget Sound, Tacoma, Washington 98416.

## Virginia

Professor Henry A. Myers, Department of Political Science, Madison College, Harrisonburg, Virginia 22801.

Richard O'Keeffe, Librarian, George Mason College of the University of Virginia, Fairfax, Virginia 22040.

## West Virginia

Professor Dan C. Heldman, Department of Political Science, Marshall University, Huntington, West Virginia.

Professor James B. Hickman, Department of Chemistry, University of West Virginia, Morgantown, West Virginia 26505.

## OUR MEMBERS WRITE

Professor Tyrus Hillway, Director of Academic Development and Professor of High Education at the University of Northern Colorado, wrote to the Honorable William W. Cranton, Chairman of the President's Commission on Campus Unrest and with his permission, we reproduce some of the pertinent passages of the letter:

"Many of us in the academic community are extremely grateful to President Nixon for appointing an objective commission for the study of campus unrest and to the members

of the commission for being willing to undertake so awesome a task . . . The only thing really clear is the fact that, had we educators been willing to stand firm in defending the democratic and academic principles we profess, unrest would have never assumed its present proportions of violence . . ."

Professor Hillway's letter then proceeds with analyzing student unrest and its characteristics and then proceeds:

"5. *Encouragement of protest by some faculty members:* In the nineteen sixties American higher education went through an era of massive growth unprecedented in our history. To accommodate the huge numbers of new students entering during those years, universities hired thousands of new teachers. Because of the demand, hiring standards inevitably fell. Persons with the shakiest of credentials were appointed to faculty positions. It is an open secret that about a third of those recruited to teach in our universities during the sixties were poorly qualified. But classes had to be met.

"The natural frustrations of misfit faculty members have been reflected not only in their effect upon student attitudes—since they encouraged the students to participate in their own resentments, but also in the tendency to perpetuate mediocrity and a hostility toward high intellectual achievement. The goal of many of these poor teachers, unable to compete on any other terms, became popularity; and the cheapest way to popularity, as every teacher knows, is to support student movements. The real motive in most cases, however, is to strike back at an institution and a society which have shown up the inadequate teacher for what he is . . ."

The letter continues with an analysis of the role of outsiders and the news media in campus unrest and goes on:

"8. *The development of distrust in our government:* It has become popular among our citizens to say that nobody in government can be believed. This used to be a kind of joke inspired by the excesses of certain politicians during their election campaigns. It is no longer stated as a joke. Even when the facts can be verified, as when an Italian Communist newspaper published the official casualty figures from North Vietnam and they agreed substantially with enemy casualty figures issued by the United States armed forces, there has been a growing tendency to ignore or even flatly deny everything emanating from an official agency.

"Cynicism regarding the pronouncements of our own government would not be so dangerous if it were not accompanied by a rather simple-minded willingness to accept without challenge the propaganda statements of some clearly untrustworthy foreign governments. Misstatements I heard broadcast from Iron Curtain radio stations, which are under strict political control, as part of a propaganda campaign many months ago I now hear circulating in this country as undisputed fact. How could this come about? It is hardly logical, when the choice is offered, for an American to accept the word of those whom history has proved not only flagrantly dishonest, but rapacious for self-aggrandizement in preference to reports of our own government. Some consideration might well be given to possible remedies for this absurd condition which has a direct bearing on campus unrest."

Professor Fred W. Decker of the Meteorology Department of Oregon State University at Corvallis analyzed norms by which colleges could be classified as succeeding or declining as a result of the present crisis and came to the following conclusions:

"Violence, arson, commotion and money-squeeze have increasingly imperiled many colleges. Now, the past Spring 1970 chaos on the campus has evoked a sweeping public backlash threatening early curtailment of many colleges and universities . . . Will the

survival of the fittest actually work, or will disaster fall on the fit and the unfit schools indiscriminately? Modern society needs the good colleges and universities to propagate Western Civilization. Still, freedom loses to slavery if campus sanctuaries produce more 'Doctor' Fidel Castro types . . . Distinguishing the fit from the unfit will pose a knotty problem for students, faculty and supporters. They need factual data such as these:

"1. How many classes did each college lose last year?

"2. What prospects exist for continuous instruction next year?

"3. How effectively did each college cope with campus chaos?

"4. Does each college have clear objectives and adhere to them?

"5. Does a wide spectrum of faculty viewpoint produce objective handling of such subjects as economics, political science, history, sociology and philosophy?

"Published ratings on these questions as researched by a fact-gathering academic body would help focus the backlash positively. This could ensure upbuilding the fit schools and reduce the waste of personal and material resources of colleges already doomed by inept leadership and by entrenchment of the anti-intellectual barbarians."

## DEATH OF IRVING JAY FAIN OF PROVIDENCE

Mr. PELL. Mr. President, Scarcely ever have I been at a funeral service of a private citizen that was as moving and simple and broadly attended by the people and leaders of our State as was that today of Irving Jay Fain at Temple Beth-El in Providence. The reason was the character and contributions to our community of the truly good and fine man we were mourning.

Graduated from Harvard in 1927 and an Army officer in World War II, Irving Fain had through his whole adult life followed a course of total commitment to the causes in which he believed—be it the domestic cause of fair housing for Negroes or the world problem of peace. Irving Fain fought and pressed for what he considered right. Rabbi William Braude's eloquent eulogy and tribute to him reached the hearts of all of us there.

## AMENDMENT TO END THE WAR: CASUALTY AND COST PROJECTIONS FOR DIFFERENT VIETNAM WITHDRAWAL PLANS

Mr. HATFIELD. Mr. President, I should like to present the fourth in a series of articles pertaining to various aspects of the amendment to end the war. The article, entitled "Casualty and Cost Projections for Different Vietnam Withdrawal Plans," written for the Congress of Young Professionals for Political Action by Arnold M. Kuzmack. Mr. Kuzmack is a former staff member of the Office of the Assistant Secretary of Defense—systems analysis—and is well within his realm of expertise in discussing the important issues of his research paper.

In our consideration of our future policy in Vietnam, it is essential to know the consequences and implications, particularly in terms of lives as well as financial resources of whatever course we choose to follow.

I found Mr. Kuzmack's article a valuable contribution to comparative knowl-

edge on the costs and casualties entailed in various withdrawal plans and future policies in Indochina, and would like to share this research with Senators. The article directs attention to vital areas to be discussed in the forthcoming debate on American involvement in Indochina: I would hope that Senators would take a few moments to study this paper. I therefore 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:

**CASUALTY AND COST PROJECTIONS FOR DIFFERENT VIETNAM WITHDRAWAL PLANS**

(By Arnold M. Kuzmack)

This paper presents estimates of the U.S. casualties and budget costs that would result over the next five years from five possible Vietnam withdrawal plans. The first is the plan in the McGovern-Hatfield Amendment. Since the Administration has not indicated what its plans are, other possibilities are considered, ranging from a continuation of the current withdrawal rate through maintenance of over 200,000 U.S. troops in Vietnam through 1975.

The casualty estimates are based on two key assumptions: (1) that U.S. casualties will be proportional to the number of U.S. troops in Vietnam, and (2) that the fractional casualty rate (casualties per American in Vietnam) will be the same as for the first three quarters of FY 1970 (a period of low activity rates before the Cambodian operation). El-

ther of these assumptions might be false. For example, more U.S. casualties than predicted in this paper would occur if:

(1) U.S. forces increased their activity rates or if;

(2) Enemy attacks tended to be more successful because the remaining U.S. forces were largely support forces dependent upon the South Vietnam Army for their protection, or if;

(3) The enemy attempted to keep the number of attacks on U.S. forces at a constant level. (By and large the key assumptions imply that the enemy reduces the number of attacks on U.S. forces in proportion to the U.S. forces withdrawn).

Uncertainties such as those indicated above make casualty estimates very rough and often little more than an indication of the appropriate order of magnitude.

The cost estimates are developed by extrapolation of the official Defense Department estimates of the incremental cost of the war in FY 1969 and 1970, as presented by the Assistant Secretary of Defense (Comptroller), Robert C. Moot, to the House Appropriations Committee on March 3, 1970. The uncertainties in the original estimates and the method of extrapolation are such that errors as high as \$1-2 billion cannot be ruled out.

The estimates are presented in constant FY 1971 dollars, with no attempt being made to estimate inflation beyond that point. They should be compared with incremental outlays for the war of \$21.5 billion in FY 1969 and \$17.4 billion in FY 1970 (current dollars).

Further details on methodology may be found in the Appendix.

**SUMMARY TABLE**

	Cost (dollars in billions)		Killed in action		Total casualties	
	Total cost, fiscal year 1971-75	Increase over col. 1	Total deaths, fiscal year 1971-75	Increase over col. 1	Total, fiscal year 1971-75	Increase over col. 1
Case 1: McGovern-Hatfield plan	11.5		2,500		22,600	
Case 2: Current withdrawal rate, out by early fiscal year 1973	19.7	8.2	5,400	2,900	47,900	25,300
Case 3: Current rate, residual force of 50,000 men	25.7	14.2	7,400	4,900	65,450	42,850
Case 4: Withdrawal delayed in fiscal year 1972, residual force of 50,000 men	31.5	20.0	9,500	7,000	84,000	61,400
Case 5: Continuing force of over 200,000 men	46.4	34.9	14,700	12,200	130,300	107,700

**CASE 1: McGOVERN-HATFIELD AMENDMENT PLAN**

Under this plan, all U.S. troops would be withdrawn from Vietnam by the end of FY 1971, i.e., by 1 July 1971. No attempt is made to show the effect of avoiding "offensive" operations after December 1970, as the

amendment requires, and it is doubtful there would be much effect. Beginning with FY 1972, \$1.0 billion per year in military aid is provided.

The year-by-year effects of this plan are shown below:

	Fiscal year—					Fiscal year—				
	1971	1972	1973	1974	1975	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)						223	23			
U.S. casualties:						3,900	1,500			
Killed in action	2,500					30,800	11,700			
Wounded in action	20,100									
Total	22,600									
Budget outlays (billions)	\$7.5	\$1	\$1	\$1	\$1	\$11.2	\$5.4	\$1.1	\$1	\$1

**CASE 2: CURRENT WITHDRAWAL RATE CONTINUED**

Under this plan, the current withdrawal rate of 50,000 men per quarter would continue until none are left in early FY 1973. Beginning with FY 1972, \$1.0 billion per year in military aid is provided.

	Fiscal year—				
	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)					
U.S. casualties:					
Killed in action	223	50	50	50	50
Wounded in action	3,900	1,700	600	600	600
Total	30,800	13,000	4,750	4,750	4,750
Budget outlays (billions)	\$11.2	\$14,700	\$5,350	\$5,350	\$5,350

**CASE 4: WITHDRAWALS DELAYED IN FY 1972, RESIDUAL FORCE**

Under this plan, troop levels remain constant in FY 1972, to provide support for the developing South Vietnamese armed forces.

	Fiscal year—				
	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)					
U.S. casualties:					
Killed in action	223	223	50	50	50
Wounded in action	3,900	2,700	1,700	600	600
Total	30,800	21,200	13,000	4,750	4,750
Budget outlays (billions)	\$11.2	\$23,900	\$14,700	\$5,350	\$5,350

**CASE 5: CONTINUING FORCE OF OVER 200,000 MEN**

Under this alternative, a force level of

	Fiscal year—				
	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)					
U.S. casualties:					
Killed in action	223	223	223	223	223
Wounded in action	3,900	2,700	2,700	2,700	2,700
Total	30,800	21,200	21,200	21,200	21,200
Budget outlays (billions)	\$11.2	\$23,900	\$23,900	\$23,900	\$23,900

## APPENDIX: METHODOLOGY

## Casualty methodology

Casualty projections were derived as follows. U.S. troops provided about 537,000 man-years in South Vietnam in FY 1969 and 486,000 man-years (annual rate) for the first 9 months of FY 1970. Actual numbers of casualties and rates per 1,000 man-years are shown in the following table.

	Total number (rate per 1,000 man-years)	
	Fiscal year 1969	Fiscal year 1970 (9 months)
Killed in action.....	11,340 (21)	4,252 (12)
Wounded in action.....	67,391 (125)	34,594 (95)

The FY 1970 casualty rates are then applied to the number of man-years in South Vietnam that would obtain for the alternative considered.

## Cost methodology

Costs are computed by associating Military Personnel (MilPers), Operations and Maintenance (O&M), and Procurement outlays for the war with the number of man-years in-country (MYIC) in South Vietnam. The calculations proceed as follows:

1. Official Defense Department estimates of the incremental costs of the war in FY 1969 and 1970 are shown in the next table. Figures for FY 1971 are not given in order to keep the President's assumed withdrawal rate secret. The figures shown are outlays in millions of current dollars.

	Fiscal year	
	1969	1970
Military personnel.....	\$5,666	\$5,375
O. & M.....	6,488	5,438
Procurement.....	8,757	6,283
R.D.T. & E.....	139	112
Military construction.....	494	220
Total.....	21,544	17,428

2. Incremental military personnel for the war can be estimated at about 950,000 men, consisting of 830,000 actual increase in end strength and about 120,000 made available by the civilian/military substitution program, as of end FY 1969. For FY 1969, this results in a Mil Pers cost of about \$6,000 per man-year and 1.77 man-years per MYIC (the excess being in support functions outside Vietnam and in the training pipeline).

3. Assuming inflation in Mil Pers costs of 10% between FY 1969 and 1970 (consistent with Mr. Moot's figures) and 6% between FY 1970 and 1971 (reflecting recent pay raise decisions), we will have a Mil Pers cost per man-year of \$6,600 in FY 1970 and \$7,000 in FY 1971. This results in 1.73 man-years per MYIC in FY 1970, since there will be about 470,000 MYIC in FY 1970.

4. We assume that in FY 1971 and later years, the ratio can be reduced to 1.65 man-years per MYIC, reflecting the ability to reduce the training pipeline ahead of force level reductions. This results in Mil Pers outlays of about \$11,500 per MYIC in FY 1971 and later years.

5. Mr. Moot's figures imply O&M outlays per MYIC of about \$12,000 in FY 1969 and \$11,500 in FY 1970. The trend is projected to \$11,000 in FY 1971, and later years. Similarly, they imply Procurement outlays per MYIC of about \$16,300 in FY 1969 and \$13,300 in FY 1970, which we project to \$11,000 in FY 1971 and later years. These calculations

result in a variable cost of \$33,500 per MYIC in FY 1971 and later years.

6. In addition, RDT&E and Military Construction are assumed to continue at their FY 1970 rate as long as large numbers of U.S. troops remain in Vietnam. Outlays for military aid to South Vietnam are taken at \$0.1 billion in FY 1971, and \$1.0 billion in FY 1972 and later.

## SOME POINTS ON GEOPOLITICS

Mr. ALLOTT. Mr. President, Prof. Stefan Possony, director of the international studies program at the Hoover Institute on War, Revolution, and Peace at Stanford University, has kindly prepared for me a series of memorandums setting forth his views on various aspects of the most vexing international problems facing this Nation.

So that all Senators may be exposed to Professor Possony's thinking, I ask unanimous consent that two of his memorandums be printed in the RECORD.

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

## SOME POINTS ON GEOPOLITICS

A great deal of confusion has been created by geopoliticians who have been talking about so-called heartlands the possession of which, as they see it, provides control over far larger areas. Sir Halford MacKinder was talking of a heartland where the fate of the entire world has been customarily decided. He was sure that this heartland is somewhere in the plains which connect Europe with Asia, but he was mercifully vague and inconsistent about precise locations.

This theory stood in contradiction to that of Admiral Mahan who regarded the sea as the dominant geographic element. Others viewed primary industrial areas, such as the Ruhr, the Midlands, or Manchuria, as heartlands in the industrial age and it is this theory which unconsciously influences thinking about the importance or non-importance of Vietnam.

The logic is, essentially, that Vietnam does not have the potential for heavy industry, so it makes no difference who has the place. If the country remains divided, no one benefits from any advantage, and if it is united, the side which influences or controls it, does not gain, while the side which "loses", experiences no loss.

This theory is unconvincing because it fails to account for economic development and for "valueless" locations like Switzerland or Hong Kong. Moreover, power struggles are dynamic. *The importance of a given territory depends on where the fields of the competing forces intersect. Therefore, importance varies with time, the line-ups of international conflict, technology, and trade patterns, etc.* For example, during the 18th century, the Caribbean was considered to be of the greatest economic importance: it produced the world's sugar. Canada was regarded as useless because its climate was unmanageable.

No one has really stated that Vietnam has no strategic value but it is quite true that the geopolitics of the area have not been worked out. Nevertheless, history happens to be a rather good guide. Vietnam and the rest of Indochina have been the zone where the cultural and political orbits of India and China were intersecting and for which European imperialisms were heavily competing. The waters of Southeast Asia are one of the foremost maritime crossroads of the world.

During the 20th century the area proved

to be a key to southern China which in turn, for the approaches from the western world, as well as for political development, has shown itself to be the key to China as a whole.<sup>1</sup>

The fact is that the United States did not seek any involvement in Southeast Asia but gradually was forced into the region. In 1941, President Roosevelt decided on economic sanctions when the Japanese entered Indochina. This last-ditch decision led to Pearl Harbor. By the end of World War II, the U.S. was heavily involved in Indochina and—inadvertently—facilitated Ho Chi Minh's road to power. When the French resumed control, we got out and decided not to support a decaying colonial structure; but we ended up helping the French against the communist offensive which followed in the wake of Mao's seizure of China and the armistice in Korea.

We decided, in 1954, against intervening militarily to save Dien Bien Phu but we did support South Vietnam economically and with some military assistance under President Eisenhower. President Kennedy stepped up help. President Johnson finally saw himself compelled to intervene in full force.

The point of this story is that no less than six American Presidents' every one of whom was opposed to an American involvement in Indochina, got drawn into the area—six American Presidents saw no alternative.

The Indochinese war has lasted for about thirty years, with different belligerents and changing meanings, and the conflict has gradually grown more serious. Some of the local guerrilla operations may not be important and most of them move slowly, but the duration of the crisis is not an accident. It is apparent that the conflict will continue as long as there is no re-orientation or no political change at Hanoi; and possibly at Peking.

It has become quite clear that the area is strategically important to China, the USSR, and the United States. The USSR and the U.S. are involved, among other reasons, because of the significance of Southeast Asia for India. The United States is seriously affected also because of its relations with Japan, the Philippines, and Indonesia; as well as Australia which is connected with Singapore, Malaysia, and Britain. China is concerned because of economic, ethnic, and geographical reasons.

Mr. Robert H. Yoakum, a contributor to the *New Republic*, talked to a mythical Mr. Hee, travelling propagandist for Red China. (CONGRESSIONAL RECORD, May 25, 1970, p. 16877.) Mr. Hee suggested that the communists tricked Mr. Nixon into Cambodia. But what is planned for the future? Hee smiled. "Well, we shall wait until you are as mired in Cambodia as you are in Vietnam. Then Laos. Then Burma, India, Pakistan, Afghanistan, Iran, Iraq . . ."

"Wait!" Mr. Yoakum almost shouted. "You are taking us right into the Middle East. That might mean war with Russia as well!"

"Ah, so?" said Mr. Hee.

The story is funny. But it has an element of geopolitical truth. The Chinese don't believe in the domino theory but in the choke strategy. Mr. Wallace Carroll in an article inserted by Senator Church into the CONGRESSIONAL RECORD, May 25, 1970, pages 16897-16900, while suggesting that we "come home" from Southeast Asia, warned strongly that the dominoes are falling in the Middle East—in Iraq, Syria, UAR, Libya, Algeria, Sudan, the two Yemens, Aden, Somalia and

<sup>1</sup> During the 19th century much of the international power struggle centered on the Balkans and Turkey. By way of an analogue, Southeast Asia may be compared with the Balkans and China with the Ottoman Empire.

the Gulf.<sup>2</sup> So if the eastern dominoes fall toward the west and the mid-eastern dominoes toward the east, there will be a dramatic convergence. What about thinking in terms of breaking dikes instead of falling dominoes?

I refer again to my testimony of March 17, 1970, on the sino-soviet conflict. The general finding was that this conflict is a "border dispute" and an "ideological struggle", but that it transcends those limited descriptions by far.

The fundamental fact is that the USSR has a highly vulnerable flank in its Far Eastern and Pacific possessions. For all practical purposes, this flank appears to be indefensible against a strong and resolute future China.

The Far East is the area where the USSR, the strongest communist super-power, encounters China, the second strongest and hostile communist super-power; in that area, the USSR also encounters Japan, the second strongest power in the Free World and a key ally of the United States.

Thus, the Far East is the area where the strongest and the mutually most antagonistic political forces of the current epoch are intersecting.

The Far East is the rocky cradle of the potentially largest conflict the world has yet seen. Yet it is also the area where the USSR is weakest and where, with the resources currently at its disposal, it has the least capability of strengthening its position significantly. The Soviets may rely on nuclear weapons which in the Far East are their one and only military hope, yet the rapid emergence of China as a nuclear power is complicating the USSR's Far Eastern defense problems. In fact, 100-200 Chinese MRBM's and shorter range missiles gravely threaten the USSR east of the 60th meridian and render the Soviet hold on the Baikal-Amur-Ussuri area most tenuous. If the USSR were to be pushed away from the Pacific littoral, it would not only cease to be as powerful as it is today, but its fragile multi-ethnic arrangements in Siberia and Central Asia would collapse.

Soviet strategy against the United States has been motivated by a set of offensive goals which include the completion of the world revolution or the attainment of world hegemony or even domination; or negatively, the reduction or elimination of the United States as a world power. The accomplishment of such ultimate goals is not necessary for the

<sup>2</sup> Mr. Carroll says "the GNP of South Vietnam, Laos, Cambodia, Thailand, and Malaysia combined is barely \$11 billion. Compare this with little Belgium which alone has a GNP of about \$22 billion." "If these five Asian countries joined up with China . . ., the effect on the world balance would be negligible." So let's rather worry about the Middle East.

In my judgment, we must not lose the Middle East, which we are doing. But Mr. Carroll's argument for holding the Middle East is quite false. Belgium's GNP was \$21 billion in 1968, according to the London Institute for Strategic Studies. The combined GNP of the five Asian countries was \$12.4 billion. Surely we should add Singapore which brings the total to \$13.6 billion. If Burma and Indonesia were added, the total goes to \$25 billion; and with the Philippines and Taiwan we would reach \$36 billion. The GNP of Red China is supposedly \$78 billion, which may be a little high. Thus, Southeast Asia, in terms of GNP, is about half that of China; the five states mentioned by Mr. Carroll plus Singapore have nearly 18% of the Chinese GNP. By contrast, the combined income of Algeria, Iraq, Syria, and UAR is \$11.5 billion. The income of the other Middle Eastern States mentioned by Mr. Carroll is not exactly known but due to the characteristics of the Arab oil industry it is partly artificial.

survival of the USSR as a country. A gradual evolution of the imperial structure of the present Russo-communist inner and outer empire into a genuinely federal system would allow the USSR to achieve accommodation with the Free World; but this presupposes that offensive goals be scrapped. In other words, its offensive strategy is the USSR's most expensive luxury.

Soviet strategy directed at China is of an entirely different nature: it aims at political survival and the preservation of the USSR. This soviet strategy has a defensive goal, but it is not, and cannot be, a defensive strategy: the attainment of the defensive objective requires offensive actions.

Soviet operational goals include the recapture of Manchuria which the USSR must acquire to develop the soviet Far East and render it defensible. In order to strengthen the defense capacities of the USSR and weaken the Chinese threat, the soviets also appear to aim at separating from the main body of China the northern tier of Chinese provinces, more correctly the autonomous regions which are inhabited by ethnic and religious minority groups. Just as the USSR decided it cannot live with a unified Germany, so it now seems to regard a unified China as unacceptable.

The fundamental point is this: the USSR does need Manchuria, lest it ceases being a Pacific and perhaps even an Asian power.

If Manchuria were taken over by the soviets, a huge development program would have to be undertaken. The Kremlin may be compelled to renounce its preventive war plans because nuclear attack might boomerang against the Maritime Provinces. If then the USSR tries to strengthen its Far Eastern possessions as best as it can, a still more gigantic investment program would be mandatory. But in order to accelerate Far Eastern development by several orders of magnitude, the USSR needs logistics capabilities far beyond those offered by the very limited capacities of the Trans-Siberian Railroad and AN-22 giant cargo planes. The enlargement of west-east rail transportation would be extremely costly and probably impractical: the rapid build-up of a satisfactory rail and road net is impossible.

Economically speaking, the soviet Far East is far more difficult to integrate with the areas of the Urals than Britain with Canada or Australia.

During the 19th century, British imperial policy was dominated by the need to have secure sea communications between England and India. The USSR now finds itself in a position where it needs a secure sea route between its European territories and the Far East. The northern sea route through the Arctic which is short and entirely soviet-controlled, can serve only a supplementary line of communications.

It is this overpowering need for sea communications between the western and eastern USSR which has driven the Kremlin to the rapid build-up of sea power. That a fully developed soviet sea route to the Far East would have both defensive and offensive uses and would weigh heavily on the fate of all Asian nations is self-evident.

The Soviet sea route to the Far East starts in the Black Sea. Passage through the Dardanelles is presently secured through international agreements which are buttressed by friendly political relations with Turkey, a member of NATO. In due time, the Kremlin may find that this arrangement is unsatisfactory and may maneuver to extrude Turkey from the NATO alliance.

The soviets have secured port privileges in the Mediterranean, especially at Latakia, Syria, and Port Said and Alexandria, Egypt. They also are welcome in Algerian ports, including Mers-el-Khebir.

In the Red Sea, the soviets have privileges in Ras Banas, Egypt, and they have been

building a port at Hodeida, Yemen. They have very satisfactory arrangements with Aden, gateway to the Arabian Sea. They are helping in port construction at Berbera, Somalia, and they are negotiating for privileges at Port Louis, Mauritius.

They appear to be welcome in Basra, Iraq. They are contributing to the building of the naval base at Vishakhapatnam, India, where they have been granted facilities, and they appear interested in acquiring a naval base of their own on the Andaman Islands.

The electoral victory of the left parties in Ceylon may greatly facilitate soviet naval strategy in Asia.

The soviets are penetrating, on a commercial basis, into Singapore, where they fell heir to British facilities. The soviets have taken initial steps for a presence at Hongkong. Earlier attempts to gain footholds in Indonesia are presently in abeyance.

All in all, a smashing performance.

While the soviets aim at a sea route by which they can circumnavigate the whole of the Asian continent, they may in the process acquire significant control over oil production and transportation, including Japan's and Western Europe's main oil flows. They will need Middle Eastern oil supplies themselves, and above all they may be interested in augmenting their cash income: their import needs are rising steeply but their exports still are largely restricted to raw materials. Perhaps the thought has occurred to the Kremlin that Middle Eastern oil revenues are needed to finance the sino-soviet dispute and the build-up of the soviet-controlled parts of the Far East.

The grandiose soviet sea route is at present blocked at the Suez Canal. For striking at China, the USSR would not rely on supplies coming through Suez. But if, unexpectedly, the war should drag on, they would need the sea route. Conversely, if they attain their territorial objectives, they need the sea route quite urgently to be able to hold their conquests and develop the conquered areas; and if they decide against preventive war, the sea route, as I pointed out, is still more important as a prerequisite for the industrialization of the Baikal-Amur region.

The Suez Canal is the key to soviet power in the Far East. It must, therefore, be expected that the USSR will be reaching out for control over the Canal, either for direct control or control by proxy.

The obvious Chinese recourse against soviet strategy in the Far East and the developments along the circumferential sea route is to move southward toward Singapore and, if possible, toward Indonesia. But in order to accomplish this advance, the Chinese need satellite governments in South Vietnam and Thailand.

The Chinese also have moved into the Arab guerrilla movement, especially, so it seems, into the Palestinian Liberation Front, for the purpose of derailing soviet strategy in the Middle East. The recent flare-up in Jordan suggests that Peking is trying to establish Jordan as a Maoist colony.

Precisely because there is a sino-soviet conflict which is steadily growing in importance, the Southeast Asian and Middle Eastern theaters are inter-connected and inter-dependent. It is obvious, therefore, that American national interests cannot be protected by disregarding one or the other of those inter-dependent theaters, nor can our strategy be successful, if it is not addressed to the Asian conflict in its entirety.

#### DID WE LOSE A BATTLE?

Many statements have been made to the effect that there was no pressing reason why the United States commenced the operation against Cambodia. Yet the critics failed to discuss the recent communist strategy as it was explained in a speech by General Giap, Giap's lengthy pronouncement, *The party's military line is the ever-victorious banner of*

people's war in our country, was broadcast by Radio Hanoi on December 14 to 20, 1969. Captured COSVN Resolution No. 9, dated July 1969, also made clear communist strategy, which moreover could be deduced from the deployment of the communist forces.

After study of those documents, early in 1970, I for one expected that the communists would continue with big unit offensives, which necessarily would have to be based upon the staging bases in Cambodia. Since then a Vietcong defector has confirmed that an offensive was planned for May of 1970 but was postponed because of Sihanouk's ouster: an offensive against Cambodia was substituted for the abandoned offensive against South Vietnam. (This defector, a Lieutenant Colonel, also disclosed that 16 Red Chinese advisers had been "helping with the planning of the Tet offensive of 1968".) (San Jose Mercury, June 6, 1970.)

The analysis of the broad evidence suggests that the general intention of Hanoi was to maintain guerrilla warfare within South Vietnam and to prepare for a decisive invasion with regular North Vietnamese troops from Cambodia against South Vietnam at a time when either the United States had withdrawn the bulk of its forces or when a "general uprising" could be launched inside the country. Meanwhile, the plan was to keep up the offensive pressure in order to neutralize the pacification programs. (Late in March the communists still were pushing their operations in the Mekong Delta.)

The fall of Sihanouk created a new situation, and a moment for negotiation seemed at hand. Even the Soviets made proposals. President Nixon delivered his address of April 20, with the announced withdrawal of 150,000 men. This speech was designed to get serious negotiation underway.

In reply, two things happened: first, the Chinese organized the Indochinese summit conference which established the political framework for communist war against Cambodia; and second, communist attacks against Cambodia began coincident with that conference on April 24. Those attacks are described in a letter of May 1 by the Permanent Representative of Cambodia to the President of the U.N. Security Council. (CONGRESSIONAL RECORD, May 22, 1970, p. 16773). The hopes of negotiation were buried once again.

The objective of the re-scheduled communist offensive was to connect all the staging bases and create an unbroken, fully CP controlled corridor between Sihanoukville and the Ho Chi Minh "trail"; or, to put this differently, to have the North Vietnamese take over the entire eastern part of Cambodia. The communists also moved against Phnom Penh and the highway connecting Phnom Penh with Bangkok. This operation had obvious political purposes but also was designed to secure the supply of rice.

According to the best information published in the European and American press, the communists had 40,000 to 60,000 men organized in five or possibly six divisions in Cambodia.

The initiative taken by U.S. and South Vietnamese forces against Cambodia disrupted Hanoi's operational plans and dispersed the communist main units, forcing them into difficult, costly, and time-consuming re-groupings, and pushing them away from the most sensitive areas in South Vietnam, i.e. Saigon and the Mekong Delta. Furthermore, the operation closed communist logistics lines through the Cambodian ports. This logistics set-up supported the North Vietnamese forces in Cambodia (which were regarded as the forces that would win the decisive battle). It also provided 75% and 50% of the supplies the Vietcong needed, respectively, in the IV Corps

and III Corps areas within South Vietnam.<sup>3</sup> Thirdly, the operation provided the South Vietnamese army with success and offensive experience which, after years of defensive fighting, it needed to become an effective battle force. Those results were far more important than the sizable booty which our forces seized, but which, nevertheless slashed deeply into the armament of at least half the North Vietnamese divisions in Cambodia.

Not the least result has been that the Cambodian operation created cooperation between South Vietnam and Thailand with Cambodia. It also has allowed the Cambodian army to get organized, trained and armed, so that in the end it may prove to be an additional force of 80,000 to 100,000 men arrayed against the North Vietnamese aggressors.

The Cambodian army was given very low ratings but so far it has given a surprisingly good account of itself. Apparently it is infused by excellent morale which, by itself, is a revealing (if ignored) indicator of the political situation in Cambodia.

As to the (usually ignored) political situation among the North Vietnamese, it is certainly newsworthy that the defection rate has gone up since the Cambodian operation—the defection rate from North Vietnam, *not* VC units.

Those results may not be final and the communists remain able to take counter-measures. They may succeed in capturing parts of Cambodia. But since the main requirement of the Vietnamization strategy is to gain time and to improve mutual self-defense among the Asian peoples, this operation was definitely helpful. The closing of the Cambodian ports to communist logistics should be a lasting gain. Since the extension of the Ho Chi Minh "trail" to the areas south of the 14th parallel is difficult for terrain reasons, the "logistics future" of that communist front depends in large measure on the utilization of the Mekong river.

The communists may put pressure on western Cambodia, perhaps to create a political base for Sihanouk, and they will have to fight for the Mekong. Otherwise they probably will put their new *center of gravity* into southern Laos and exert their main offensive pressure against I and II Corps areas in South Vietnam. There is much concern that the war has been expanded, yet chances are that the theater of war has shrunk in III and IV Corps areas, where the majority of the South Vietnamese population is concentrated.

There have been assertions that the Cambodian initiative was still another flop but about the only real support for this contention has been the fact that the communist forces have not all been wiped out. This is true, but it does not follow that, therefore, those forces are able to continue their operations unweakened from a few miles further back. According to this way of thinking, no one ever would have fought a battle in all history. If the criterion for an American initiative should be that the enemy must be smashed and annihilated or else we better do nothing, then the contention really is that we should have attacked the Cambodian sanctuaries with nuclear weapons.

The type of war we are fighting in South Vietnam requires many engagements none of which by itself is or can be decisive. It is

<sup>3</sup> According to other sources the Sihanoukville logistics line supplied some 90% of the VC military supplies in the III Corps area and also was a main weapons source for the communist forces operating against the II Corps area. The communist forces operating against IV Corps area received their equipment supplies exclusively from Sihanoukville. (CONGRESSIONAL RECORD, April 23, 1970, p. 12985.

the sum total of those engagements which ultimately tips the scales and it is the predominance of successes or failures which unless one of the belligerents loses his base areas, brings about a settlement of the war, i.e. the reestablishment of peace.

The pushing back of an enemy preparing for an offensive knocks out that particular offensive. The destruction of staging bases which he had been building for years—more than 8,000 bunkers!—and the seizure of masses of equipment inevitably weaken him. This means that if a new offensive will be tried nevertheless, it will be far weaker than it would have been, or else the offensive must be delayed and its preparation will be considerably more costly. To disregard the effects of a successful attack over a broad front is incompetent. At the very least, the North Vietnamese lost time, while we gained time.

The communists also have been forced into a larger theater of operations, without a safe rear and with a substantially increased number of enemies operating against their communications. Theoretically, the Chinese can supply additional manpower, but North Vietnam still has enough reserves and Chinese soldiers may not be too welcome in Cambodia. The point is that the logistics lines already have been operating to capacity.

This evaluation is platitudinous but necessary since a studied effort has been made to belittle or deny our success. Such belittling is routine propaganda and can be called the "so what?" theme. Suppose a man makes 1 million dollars in a week. Normally, this would be regarded as a great success. But it is easy to "question" the gain. What about taxes? Didn't he really want to make 2 million? Did the money cure his ulcers? And won't his wife now get a divorce?

The press invented the *canard* that the aim of the operation was to seize COSVN headquarters and personnel. This didn't work, see? Yet there were about a dozen strikes into Cambodia and only one, at most, was directed at COSVN. (For further detail on these red herring tactics, see CONGRESSIONAL RECORD, May 20, 1970, p. 16347.)

The most instructive case of the negativistic type of reporting deals with ARVN. Prior to the strike there was much moaning about the poor morale of the South Vietnamese forces. Now this morale proved to be high. Is this change perhaps advantageous? Not at all, because now the ARVN make difficulties for the United States.

According to an old saying, a battle lost is a battle one believes to be lost. Many people talk and write to convince the American people that we lost the battle. If we believe this, then the enemy will have won.

#### NATIONAL WILL

War, but especially the war in Indochina, is a contest of will. The point of those who advocate that we stop fighting and get out is really that the United States should display a weaker will than the enemy. Senator Fulbright stated that "the enemy" is "settling in for the long haul of indefinite guerrilla warfare, and we are not able to control the decisions that are made in Hanoi. We can only control the decisions that are made in Washington, and that, basically is why it is up to us to take an effective step toward peace."

In other words, the enemy does not want to agree to reasonable conditions, hence we must accept his terms. His will is very strong, hence if we want peace, we must give in to him. The logic is impeccable—it is the logic which says that there is no alternative to defeat.

The national will of the United States is being tested, not merely the capacity of people's war tactics. The reality of this test is the most fundamental reason why this con-

flict cannot be viewed under the perspective of a mere local conflict.

The Vietnam or Indochina struggle has been the most severe test of wills, to which the United States was subjected since the Civil War. If the United States demonstrates that it lacks will power and does not have endurance when the going is rough, despite the fact that casualties are low and the war is being fought at a great distance, then the *United States loses its deterrent power* and it will cease to be the protector of world peace and the leader of the Free World.

Some people may rejoice if we abdicate this leadership role, but there is no one to take our place. Hence if we abdicate, unrest in the world will mount, and so will the concomitant dangers. By seemingly getting out of one trouble, we would be promoting entire sets of substitute troubles.

It is quite true that, as we leave Vietnam, our factories will remain standing, our GNP will continue to grow, and our strategic weapons will remain in a high state of readiness. But it is *not* the material factor which ensures that a *big* power also is a great power.

The question is whether those big resources will be used to achieve great purposes and *that* is a question of conviction, morale, courage, and will. If we should prove that we lack that will, we shall *ipso facto* prove that we lack foresight and insight. The conclusion will be drawn that we will not defend ourselves effectively.

In this case the attacker will no longer think about how to destroy our power, but rather about how he may *seize* and *appropriate* our resources for his purposes. Our material wealth suddenly will be transformed from a deterrent into an incentive.

I am able to rationalize a *voluntary defeat* just as well as the next man. The trouble is that unlike most Americans, I did experience the *consequences of defeat*—it is an evil disease which, if nothing else, breeds political polarization and radicalism—two primary objectives of communist political tactics. *Voluntary defeat* is in the nature of self-mutilation, and it is an act which cannot but be followed by political emasculation.

If indeed a voluntary defeat were imposed by Congress, the Executive would have a wonderful alibi for turning tail and unloading all responsibility on others. It would be interesting to watch the outcome of a *real* domestic battle. So far, the struggle on the Senate floor has been rooted in the safe expectation that *none* of the defeatist amendments will become law. But the exercise is not mere shadow-boxing: It is a largely unwitting maneuver to mobilize and strengthen opposition to national U.S. strategy. Hence it does jeopardize our continued ability to deter and contain.

I know quite well that even if the United States should lose the current test of strength, it may win the next one. American political passions are fickle and I believe that the American crowd is psychologically more feminine than the crowds of other nations; hence opinions are frequently reversed. The retrenchment which some Senators advocate will prove to be unworkable, partly because of the trouble in the Middle East.

I am reasonably certain that the communists who want to bury us, will miscalculate, because they misinterpret our domestic policies. But it is the American people who will have to pay for the communist miscalculation in American blood and treasure, *although* we will come out victorious in the end.

We will deter aggression and prevent war *only* if our opponents know that we will not falter under any circumstances and that we will prevail whenever we decide that the enemy is threatening American commitments, independence, freedom, as well as world peace.

#### STATE DEPARTMENT COMPLIMENTED ON PANAMA

Mr. CHURCH. Mr. President, I desire to compliment the Department of State and the Department of Defense upon relinquishing American rights to the Rio Hato military training area in Panama.

This area had been retained by the United States in the 1955 revision of the 1903 treaty with Panama, but in recent years it was far from fully utilized. It had become in my view an undesirable extension of the U.S. military presence in Panama and an unnecessary source of friction in United States-Panamanian relations. It is an act of statesmanship to return it to Panama.

I congratulate the executive branch and I express the hope that this action will be the start of a trend further to reduce our military presence in Panama and in Latin America generally.

I ask unanimous consent that the State Department's press release announcing this action may be printed in the RECORD.

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

#### UNITED STATES AND PANAMA AGREE TO TERMINATE RIO HATO

AUGUST 20, 1970.

The Republic of Panama and the United States of America have agreed that the authorization for the exclusive use of the Rio Hato area by the United States of America, for the purpose of conducting maneuvers and military training of its Armed Forces, will be terminated August 23, 1970, as specified in section (a) of Article VIII of the 1955 Treaty of Mutual Understanding and Cooperation. In accordance with cited provision, the Republic of Panama permitted the United States of America, without cost and free of all encumbrances, exclusively to utilize the Rio Hato area as indicated above, for a period of fifteen (15) years, subject to extension thereafter as agreed by the two Governments. This authorization included the free access to, egress from, and movement within and over, said area.

#### HEW CONTRACTING PROCEDURES

Mr. GOODELL. Mr. President, I invite the attention of Senators to an article entitled "HEW Contracts Under the Table," written by Jack Anderson, and published in the Washington Post of Sunday, August 23, 1970.

Mr. Anderson describes the contents of an unreleased HEW survey on contracting procedures. Because of the broader questions which this article raises, 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:

#### HEW CONTRACTS UNDER THE TABLE

(By Jack Anderson)

The Department of Health, Education and Welfare has been guilty of slip-shod, even illegal purchasing practices, according to a survey made by the huge agency itself but kept quiet for eight months.

The alarming survey indicates that millions of public dollars desperately needed to combat poverty, upgrade schools and fight cancer are siphoned into the pockets of greedy contractors with the cooperation of HEW officials.

The report was made by four top-level investigators who delved into HEW's pro-

cedures for awarding contracts by negotiation instead of competitive bidding.

Negotiated contracts are common in all federal agencies, but strict regulations have been established governing the practice.

In most cases, the investigators learned, Department's authorized contract officers were bypassed by HEW program officials who lined up contracts on their own. "The contracting officer is often forced to provide a ratification service," the team notes acidly.

The investigators found that the agency repeatedly went back to the same firms with which it had been doing business instead of trying "to develop new sources and thereby further competition."

The result is that during fiscal 1969, 82 per cent of HEW's negotiated contracts over 2,500 were awarded without any competition whatever.

"The team believes this figure to be excessively high," says the report.

When a contract is let without competition, the agency must justify it in writing. But the investigators found that at least half of the justifications for HEW's noncompetitive contracts were "inadequate."

The Office of Education (OE) is singled out for special criticism.

The written reasons for negotiating rather than bidding contracts "were rarely found in the contract files" at the Education Office, the team discovered.

"Of these procurements which required publicity . . . in the Commerce Business Daily, over 90 per cent of the contract files showed to evidence that this had been done," the report said.

The inquiry revealed that instead of advertising contract work in the press, the Office of Education had been sending out brochures to hand-picked recipients.

#### RUNS, HITS—AND ERRORS

Mr. CHURCH. Mr. President, an item printed in the CONGRESSIONAL RECORD of August 19, 1970, purports to relate the saga of the undefeated staff softball team of the distinguished Senator from Michigan (Mr. HART). As a question of privilege, I now ask for equal time, as is the fashion of the day.

It may not appear in the weekly Sporting News, the "bible of baseball," but my staff's team is also undefeated. The Idaho team—perhaps because I have refrained from playing—has won two games. The first was a pitcher's duel in which the Church Pews defeated the Goldwater team 16 to 14 runs. The second win was by default—the other team wisely did not show up. The HART and CHURCH teams have not yet met, but I have no anxiety as to the result.

I say this because Idaho has produced many fine baseball players, and this is reflected in the playing ability of my staff's team. We read daily about the heroic exploits of Harmon "Killer" Killebrew of the Minnesota Twins. He is from Payette, Idaho. There are also Vernon Law, of Meridian, who pitched for the Pittsburgh Pirates; Larry Jackson, of Boise, who played for the same team; Frank Reberger, of Caldwell, who pitches for the San Francisco Giants; and Bill Stoneman, of the Montreal Expos, who pitched for the University of Idaho.

The weight of evidence is impressive, Mr. President, and I thereby claim equal prominence for my staff's team in Capitol Hill's baseball hall of fame.

And now for the staff touch-football season.

## HATFIELD-GOLDWATER AMENDMENT TO THE MILITARY PROCUREMENT AUTHORIZATION

Mr. FONG. Mr. President, I have supported the principle of an all-volunteer armed force for a number of years but have reserved judgment as to when it should be implemented. After much study and after listening to the debate of this issue, I have now concluded that I can support the approach of the distinguished Senator from Oregon to implement the principle at this time. I have this date requested and have been allowed by the distinguished Senator from Oregon (Mr. HATFIELD) to be a cosponsor of this amendment.

Mr. President, I believe we should give the principle of an all-volunteer force a chance to operate now.

The President's Commission on an all-volunteer armed force, chaired by former Secretary of Defense Thomas Gates, unanimously found that a voluntary system is feasible. After intensive study, the members of the Commission concluded that a voluntary military will work and is desirable. This conclusion was reached for a variety of reasons. I would like to briefly outline two major considerations here.

First. Today we have a predominantly "true" volunteer armed force. Out of 3.1 million military personnel, more than two million are "true" volunteers, of which one and a quarter million men are serving beyond the original term of their enlistment, and 800,000 are currently serving their first term of enlistment. These 800,000 men are true volunteers who would have enlisted in the Armed Forces even if there were no draft looming over their heads, according to detailed studies made by the Commission.

The Gates Commission found that 250,000 men volunteer each year. The Commission found that because the number of true volunteers in the Armed Forces was so large, that a fully volunteer force of 2.5 million men could be achieved by merely improving conditions and pay enough to recruit an additional 75,000 more young men each year.

Therefore, Mr. President, we are not discussing the possibility of recruiting a million or two million volunteers into the Armed Forces. We already have that number of volunteers. We are debating the improvement of conditions to a level which would attract an additional 75,000 men into military service annually. I am quite sure that with added pay and other inducements as provided in the amendment, we will be able to attract these additional men.

The Gates Commission estimated that it would cost \$3.2 billion in the transition years for a manpower level of 2.5 million men and \$2.1 billion, once the all-volunteer force is fully operational. I believe that these projections are high, but even if they are correct, it would be a worthwhile investment to do away with compulsory military service.

We now have a system which invests thousands of dollars to train one man to effectively serve our country for little more than a year. The first 6 months of

military service are spent in basic and advanced training, the last 3 months are used to process discharge. The draftee actually is of service to our country for little more than half of his total obligation of 2 years.

If we convert to a voluntary system, fewer men would enter the services each year, and the expertise they must acquire in this time of sophisticated weaponry could be retained for greater periods of time. We will no longer have to invest hundreds of thousands of dollars in training only to see these skilled men leave for better paying jobs after their obligation expires.

Mr. President, objections have been raised on various levels against a voluntary military force. In examining them, we find that many of them are not borne out by the findings of the Gates Commission.

First, an objection that is frequently heard is that a voluntary force would be composed primarily of members of minority groups, particularly blacks or those who are below the level of poverty. Although this argument is true in one sense because there is a momentary incentive for people below the poverty level in military service, the Gates Commission estimated that the difference between a mixed force of draftees and volunteers as compared to a totally volunteer force of the same size—2.5 million men—is an increase of 0.8 percent.

Another frequently encountered objection to an all-volunteer military is that such a force would become a group of mercenaries of questionable loyalty, isolated from the mainstream of American life, who could pose an internal threat to our security. This objection has always seemed strange to me when you consider the fact that over 2 million men currently serving in the military are "professionals." Our officers are almost exclusively professional and most of our senior non-commissioned officers are also career men. In other words, the leaders of our current military force are already in this so-called professional category.

The present military draft, which has existed for the past 20 years is the only peacetime draft our country has had. Begun in the Korean War, the draft was extended during the peacetime years after June 1953. Throughout our history, we have only instituted a draft three other times and these were only briefly, during a wartime situation.

Mr. President, let us remember that we are not repealing this Selective Service Act by passing this amendment. That act expires next June 30 and will remain on the statute books until then under this amendment. Next year, the Senate and the Congress can determine whether extension of the Selective Service Act is needed.

With the pending amendment, we are creating the necessary reforms, implementing the recommendations of the President's Commission of a voluntary military, so that the draft will no longer be necessary to fulfill our security requirements.

Let us examine the amendment before us.

First. We will raise the salary of all members of the Armed Forces.

Second. We will continue the registration of young men at age 18, so that if an emergency arises and the Selective Service System has been allowed to expire, the President may recommend, and the Congress may approve, the quick and efficient re-institution of a draft.

Third. We provide for upgrading the various Reserve components.

Fourth. We direct improvements in career selection, increased use of civilian personnel, educational scholarships for specialists—doctors, dentists—better military recruitment, incentive programs—bonuses and accelerated promotions—and the upgrading of conditions in general.

Other changes include:

First. Special pay for professionals—doctors, dentists, and veterinarians.

Second. Increased proficiency pay, hostile fire and combat pay.

Third. Better travel and transportation benefits.

Fourth. More equitable enlistment and discharge regulations.

Fifth. Ten thousand ROTC scholarships for each service.

Sixth. A new salary structure which would combine existing allowances—housing, and so forth—and institute cash contributions for a retirement system which would be similar to the current Federal system.

Mr. President, these reforms are necessary and desirable. If we are serious about ending the draft at the earliest possible date, we must act now. If we support the principle of a voluntary military then we must support this amendment so that a foundation for the all-volunteer Armed Forces can be erected.

I ask my colleagues to give this plan a chance. Vote for the improvements which this amendment recommends and see whether we can attract the necessary number of volunteers so that a forced draft will no longer be necessary.

Let us vote now to provide all military personnel with decent and equitable service conditions.

The question of ending the draft will be before us next year. We now have the opportunity to support this effort, and put the Gates Commission's recommendation to the test before the draft law expires.

I urge Senators to support the Hatfield-Goldwater amendment.

## ADDITIONAL QUESTIONS ON THE ELECTRONIC BATTLEFIELD

Mr. PROXMIRE. Mr. President, on Monday, August 17, I announced that I had decided not to offer an amendment on the so-called electronic battlefield in view of the reluctance of the Armed Services Committee to accept even the most moderate amendments to the bill. Instead I promised that I would question committee members very closely until we get some answers on this program. It is unfortunate that it has to be done this way. It will take much more time in the Senate, but I think this committee must be challenged and I am going to provide that challenge in depth and at length.

Today I am taking the first step in what I expect to be a lengthy investigation of this program.

The questions I shall present today deal with the military effectiveness of the sensor surveillance system. As I stated on Monday I have already received three letters from officers and enlisted men who were directly responsible for the use of the sensors in various parts of Vietnam. All of the letters came to the same conclusion: The electronic battlefield is not nearly as effective as advocates claim and it is simply not worth the money—cost effective in Pentagon terminology. There are several important questions which must be answered regarding the system's military effectiveness before we proceed with further development.

First. Advocates of the electronic battlefield have claimed that it has been very effective in Vietnam. On Monday the Senator from Arizona (Mr. GOLDWATER) stated that the equipment had been very successful in pinpointing trucks and other supply vehicles coming down the Ho Chi Minh trail. Why then, Mr. President, have we been unable to cut off these supply routes long ago? We have bombed these trails until they have become virtually one continuous crater. Why then, have the North Vietnamese still been able to bring millions of tons of supplies down these trails? Where are the results? I will not accept the excuse that these results of sensor effectiveness are classified. I will not accept assurances that, while the figures are classified, the results have been excellent. This is precisely what the Pentagon told us for years regarding progress in Vietnam. It took a long time for Members of the Senate to see the truth—to see that the hard results did not justify the optimistic predictions.

Judging from the reports of the men in field—the men who have actually used these devices—I am very skeptical about the Senator from Arizona's (Mr. GOLDWATER) assurances that results have been excellent. The battlefield results in Vietnam simply do not bear out these reports. Khe Sanh was not an American victory—it ended in a strategic withdrawal of American forces under the cover of an armored column sent to rescue the defenders of that beleaguered outpost. And yet, the Senator from Arizona would have us believe that electronic battlefield devices were very effective in that battle. Why, Mr. President, could the Communists mount offensives virtually at will despite round the clock bombing by American aircraft? Why did the sensors not enable us to pinpoint and destroy the enemy's mortar positions? The Senator from Arizona says the sensors have been invaluable—invaluable in what sense? They certainly have not enabled us to seriously interrupt the flow of enemy supplies or interfere with his battle plans. What we need is concrete evidence of success—not bland assurances that everything is going smoothly.

Much more serious than the question of whether the sensors have added to our combat capability is the charge that they may have actually lowered our battlefield effectiveness by unnecessarily over-

loading our men. On Monday I quoted Col. Mark M. Boatner, former chief of the Concepts and Doctrine Division in the Office of the Assistant Chief of Staff for Force Development. The colonel stated:

We may be actually lowering our military effectiveness by overloading our combat units with innovations they have not learned to use.

Second. What studies, if any, have been done to determine how well electronic battlefield equipment is being accepted by our men in Vietnam? Do the men who are actually using the devices really believe they improve their combat capability? It seems that every statement in support of the devices has come from a U.S. Senator or a high ranking military officer, none of whom have had direct experience with the equipment.

Third. What additional responsibilities or duties are imposed on the combat units which use this equipment?

Fourth. What additional training is necessary to insure that our men are familiar with this equipment? Does every man receive instruction in the use of these devices before they are distributed to field units?

Another important set of questions concern the ability of the command control centers to assimilate and digest into useful form all of the information which is gathered by the sensors. In a speech delivered at a symposium on Government use of computer systems, Brig Gen. Wilson R. Reed, the commanding general of the U.S. Army Computer Systems Command, stated that:

A number of our studies indicate that the tactical operations center receives and is able to assimilate for use about one-third of the information that is sensed; thus the commander ends up basing his decisions on something less than 30% of the ground truth.

This fact raises a number of crucial questions:

First. If decisions to call in artillery and air strikes are made on as little as 30 percent of the information collected by the sensors in a certain area, how can we be at all sure what the nature of the target is?

Second. How do we know what information is missing? Is it not entirely possible that certain data could be ruled out by the computer which could change the type of armed response which is required?

Third. Does not the fact that we are basing armed responses on only 30 percent of the data gathered amount to making decisions on misinformation? Is it not more dangerous to make decisions this way than to make decisions based on other forms of more reliable, albeit limited, intelligence?

Fourth. What are the consequences of decisions based on such limited information?

Some of the most important questions concerning this system involve a determination of whether it is truly cost effective. I have received several letters from officers and servicemen who, based on their own experience, are convinced that the system is simply not worth the money. The reason is that it would be prohibitively expensive to plant sensors

over a large area. Currently we are planting them in very narrow corridors in Vietnam. In no sense can they be considered capable of providing overall battlefield surveillance. In view of the tremendous cost of planting these devices over wide areas questions must be raised regarding the cost effectiveness of the sensors.

First. How much would it cost to cover, say a 100-square-mile area, with these sensors? How much would the computers necessary to assimilate the information from these sensors cost? What would be the operation costs of these computers?

Second. How reliable are the sensors once they have been planted? Are they subject to frequent malfunctions? Can they be rendered ineffective by the enemy?

Third. Is it true that one well-placed mortar round could knock out an entire command and control center making the entire system inoperative?

Fourth. What other countermeasures, if any, can be taken against the sensors?

Mr. President, these are just a few of the questions which must be answered concerning the effectiveness of the electronic battlefield before we authorize further development of this program. We must be sure that the devices are of real value to our men—that they actually increase combat capability rather than decrease it. I shall expect detailed answers to these questions. In coming days I shall raise additional questions regarding the cost of the program and its possible domestic and foreign policy implications. We will get the information necessary to determine whether this program should receive further support.

In addition, I have requested the General Accounting Office to make a comprehensive study of the entire program. This study will supplement the hearings which the distinguished chairman of the Armed Services Committee has announced on this program. Hopefully, these two reviews will give Congress the information it needs. I ask unanimous consent that the letter I have written Comptroller Staats requesting the study be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,  
Washington, D.C., August 20, 1970.  
Mr. ELMER STAATS,  
Comptroller General of the United States,  
General Accounting Office, Washington,  
D.C.

DEAR MR. STAATS: Recently I have been raising questions and requesting information about a new program known as the electronic or integrated battlefield. This system is composed of various sensors backed by computers which are designed to provide field commanders with general battlefield intelligence. In the course of my inquiries about the program, a number of questions have been raised which deserve detailed study before the Congress proceeds with its further development. Therefore, I would like to request that you undertake an investigation of cost and effectiveness of the program centered around the following questions:

1. To what extent have the three branches of the armed forces coordinated their efforts in the development of electronic battlefield devices and what action, if any, has been taken to avoid duplication?

2. How effective have these devices been in combat in Vietnam? Have they contributed to improved combat capability and how reliable have they proven in actual combat?

3. Is it necessary, in view of the Vietnamization program, to proceed with the procurement of so-called phase III sensors and with the development of more advanced sensors for 1972 and 1975?

4. Does the Department of Defense plan to make these devices and related equipment available to foreign countries under the Foreign Military Sales Act or other foreign assistance programs, and if so, what restrictions, if any, will be placed on their use?

5. What kind of support units will be necessary to operate and monitor such devices and to what extent will the use of such devices permit a reduction in military manpower?

6. What are the potential applications of these devices in domestic law enforcement? What restrictions, if any, could be placed on their distribution and sale to domestic police forces and other groups?

7. What long range plans, if any, does the Department of Defense have concerning the development and procurement of these devices during the next ten years? What are the project costs of any long range programs?

I do not accept classified information and I therefore ask that your report to me be unclassified. I would hope that you could have this report completed by March 31, 1971.

If you have any questions, please do not hesitate to call me. Thank you for your cooperation in this matter.

Sincerely,

WILLIAM PROXMIRE,  
U.S. Senator.

#### NO WONDER PASSENGER SERVICE IS DYING

Mr. CHURCH. Mr. President, I have commented before on the Senate floor of the death of the railroad passenger industry. I have noted that this is especially tragic in light of our Nation's awakening to the need for transportation systems to supplement the automobile. I have pointed out that poor treatment of passengers by the railroads and the refusal of the ICC to stand firm against the moves to discontinue services has led to our current sad state of affairs in rail transportation.

Today I noted an article by Tom Hodge in the Blackfoot, Idaho News, which describes in some detail the obstacle course set up by the railroads to discourage rail passengers. Stories like this reinforce the obvious fact that our Nation's railroads are doing all they can to drive passengers away.

I ask unanimous consent that Mr. Hodge's column, entitled "Hodge Podge," be printed in the RECORD.

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

##### HODGE PODGE

(By Tom Hodge)

Without being bitter, subjective or uncandid, (I hope) here's a personal story about the Union Pacific Railroad—a company to which I entrusted my family for 13 hours and about 700 miles.

As you who have been paying attention know, the UP is having trouble with its passenger service. The official line from the company is that passenger service is dying because people no longer want to ride the train.

In our family, the impression now is that people no longer want to ride the train because of the obstacle course the company

sets up—and the wimpy service it provides once the passenger is through the maze.

It goes like this: I took my family to Denver on a vacation. My wife and I decided she and the kids could stay down there a few days after I had to come back—then return to Idaho on the train. Mistake No. 1.

You telephone the train station, dialing the number which is listed "Passenger Service, Ticket A Information." A recorded voice comes on, giving no information, asking the caller to wait for a real live human railroad employee to come on the line when he gets the time. No such employee exists. To get ticket information, one must call other numbers on the list until a person who happens to know can be found.

Using this method, my wife obtained a raft of information—most of it false. She got cost estimates ranging from \$22 to \$75 for tickets. (In the end, the trip cost about \$35).

In desperation, she called the office of the Interstate Commerce Commission in Denver. A secretary there supplied the correct price estimate and arrival and departure and arrival times—but gave my wife the impression that's all the farther the complaint would go. ("After all the secretary's boss is a political appointee," my wife remarked.)

After all of this, the trip proper began. At the station, some UP employees were kindly and understanding. Others, though, were abusive to her, making personal references to how many children there were, and to how my wife was dressed (neat, clean and fashionable, I thought).

Leaving Denver, the exotic Portland Rose was made up of one engine, one car. They did have restrooms—one for men and one for women—but there was no food service of any kind.

A few miles out of Denver, the car became so unbearably hot that another passenger car was added. Either the heating equipment stuck on or the air conditioning stuck off. That's how the train ended up with two cars, anyway.

While on the train, one employee asked my wife if she had drugs with her. Particularly in these days, I consider that an insult. But perhaps in such a small train, the employee felt he had to engage in some kind of intimacy, and since my wife had worn bell-bottom slacks, I suppose he thought she was a hippie, and quite naturally, then, had drugs.

Arrival at Pocatello was about an hour later than scheduled—better, I know, than airlines do most of the time now, and good, considering all the trouble with the faulty equipment.

OK. So here come my four children down those steep rail car steps. I hadn't seen them for more than two weeks. They looked like angels. But at the precise moment, two big fat UP employees in blue uniforms (conductors or brakemen, I suppose) shoved right up the steps. The two youngest girls were cast aside, into the steel wall of the stairwell. Each child was carrying baggage of some kind, so the rudeness of the old men was all the worse. The kids could have been hurt. I think readers will understand that I was irked.

Many of the railroad people we came in contact with on both ends—Denver and Pocatello—were patient, kind, understanding and interested. Some weren't. The latter group ruined it for the good people.

As near as I can tell, this story is true. (It's difficult to interview one's spouse.) Now we know—we don't just suspect, we know—the railroad is overtly discouraging passengers.

I like trains. My kids are more excited when seeing a train than an airplane. Now, after having paid out some money and watching what happened, I know the company does not want my business. No longer will I feel guilty about not riding the trains as much as I should.

I know the railroad could push passenger service. I know people would ride the trains. But they can't. From now on, before traveling by rail, I'm going to find a handy witch doctor to turn us all into cattle, sugarbeets or chemicals. That way, we'll get good treatment from the Union Pacific.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

#### DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND THE JUDICIARY APPROPRIATIONS, 1971

The PRESIDING OFFICER. Under the previous order the Chair lays before the Senate, H.R. 17575, which the clerk will state by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (17575) 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.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; that the bill as thus amended be regarded, for the purposes of amendment, as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, there may be. I reserve the right to object.

I would like to know how the item for the International Labor Organization was handled. Was it by amendment to the bill, so that the unanimous-consent request would require us to deal with it affirmatively, or just how was it handled?

Mr. McCLELLAN. It was stricken from the House bill. In other words, the House bill was amended.

Mr. JAVITS. I would like to contest that amendment, and therefore I would ask—

Mr. McCLELLAN. The Senator would not have to do that. The bill would be considered as original text.

Mr. JAVITS. I am sorry. I would have to contest the amendment made by the Senate committee. Therefore, I would suggest to the Senator that he omit from his unanimous consent the request as to that particular amendment.

Mr. McCLELLAN. I have no objection if the Senator wants to do it that way, although I think he has a right to do it under the provision which I have suggested.

Mr. JAVITS. The difference is—

Mr. McCLELLAN. The Senator can move to strike.

Mr. JAVITS. No; I do not want to move to strike. I would rather move to oppose the amendment.

Mr. McCLELLAN. It is in the bill. I do not know any way the Senator can move to oppose it except by moving to strike it out.

Mr. JAVITS. No.

Mr. McCLELLAN. Maybe there is another way.

Mr. JAVITS. May I address a parliamentary inquiry, anyway, to the Chair?

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. JAVITS. Mr. President, if an amendment has been made by the Senate committee and there is no unanimous-consent request to accept that amendment and consider it as new text, and then I oppose the amendment, if I am successful in my opposition would the bill then stand as it came from the House?

The PRESIDING OFFICER. If the committee amendment in the bill as reported from the committee were agreed to by unanimous consent under the conditions proposed, it would take a motion to get it out, and it would take one more vote to get it out, obviously, than if it had not been previously agreed to.

Mr. JAVITS. The amendments which have been made by the committee and brought here by the committee are then to be voted on separately; are they not?

The PRESIDING OFFICER. Unless the unanimous-consent request is agreed to.

Mr. JAVITS. Exactly; and so, rather than object to the whole unanimous-consent request—which I do not wish to do in deference to my distinguished colleague—I would hope he would except this amendment, so I can oppose it, and we could separately vote on the amendment by a rollcall vote, and the Senate could decide whether it wished to accept or reject the amendment.

The PRESIDING OFFICER. Would the Senator identify just where the amendment that he refers to is in the bill?

Mr. JAVITS. Mr. President, in order to do that, I would have to 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. JAVITS. 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. JAVITS. Mr. President, the committee amendment to which I refer is found on page 5, line 13 of the bill.

The PRESIDING OFFICER. Does the Senator from Arkansas make his unanimous-consent request with the exception of this amendment?

Mr. McCLELLAN. Mr. President, I would like first to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If the unanimous-

consent request is granted, is not the Senator's right protected on this amendment?

The PRESIDING OFFICER. With the condition which the Chair previously stated.

Mr. McCLELLAN. The Senator can move to strike it. It is in the bill. We are quibbling over nothing. We are going to get a vote on it either way.

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

Mr. McCLELLAN. Yes, I yield.

Mr. JAVITS. I am not quibbling over nothing, and I will demonstrate it.

Mr. President, if there is a tie vote on the amendment of the committee, does the committee amendment win or lose?

The PRESIDING OFFICER. It loses.

Mr. JAVITS. Exactly. So I am not quibbling over nothing.

Mr. McCLELLAN. Just one vote?

Mr. JAVITS. That is right. But I should also like to point out—

Mr. McCLELLAN. Mr. President, this is the customary procedure. If we do not want that any more in the Senate, it is all right with me. I do not care whether we have it or not. I am a little older than most Senators, but I can stay here as long as the rest of you.

Mr. JAVITS. Will the Senator yield further?

Mr. McCLELLAN. I yield.

Mr. JAVITS. Mr. President, it is customary procedure to do exactly what I am suggesting. Many times, Senators have respectfully asked a subcommittee chairman to accept a given amendment.

Mr. McCLELLAN. I have no objection. It makes no difference to me. We are just quibbling here about nothing.

The PRESIDING OFFICER (Mr. BOGGS). Is there objection to the unanimous-consent request of the Senator from Arkansas, with this exception? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 6, after the word "aids"; strike out "\$220,100,000" and insert "\$221,500,000"; in line 15, after the word "vehicles", insert a colon and "Provided further, That in addition, this appropriation shall be available for the purchase (not to exceed thirty-three) and modification of passenger motor vehicles for protective purposes without regard to any maximum price limitations otherwise established by law."

On page 4, line 18, after the word "States", insert "and for payments in Ceylonese rupees".

On page 11, line 2, after the word "Congress", strike out "\$2,505,800" and insert "\$2,605,000".

On page 11, line 24, after the word "than", strike out "\$6,000,000" and insert "\$5,800,000".

On page 16, line 24, after the word "certificate"; strike out "\$257,485,000" and insert "\$260,235,000".

On page 19, line 19, after the word "account", strike out "\$21,800,000," and insert "\$22,350,000".

On page 23, line 4, after the word "law," strike out "\$45,000,000," and insert "\$39,279,000".

On page 24, line 13, after "83 Stat. 219," strike out "\$20,200,000" and insert "\$21,390,000".

On page 25, at the beginning of line 1, strike out "\$29,000,000" and insert "\$45,000,000".

On page 25, line 6, after the word "Administration," strike out "\$7,035,000" and insert "\$7,235,000".

On page 25, line 21, after the word "broad"; strike out "\$21,500,000" and insert "\$22,000,000".

On page 27, at the beginning of line 1, strike out "\$5,851,000" and insert "\$5,951,000, of which not to exceed \$100,000 shall be available to the Secretary of Commerce for expenses necessary to carry out his responsibilities under the Trade Fair Act of 1959, and the Act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States."

On page 27, line 10, after the date "1968," strike out "\$2,500,000" and insert "\$3,000,000".

On page 27, after line 15, insert:  
"NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

#### SALARIES AND EXPENSES

"For necessary expenses to carry out the provisions of Executive Order 11523 of April 9, 1970, establishing the National Industrial Pollution Control Council, \$300,000."

On page 28, line 18, after the word "year"; strike out "\$140,000,000" and insert "\$141,426,000".

On page 29, line 13, after the word "facilities"; strike out "\$4,250,000" and insert "\$4,565,000".

On page 30, line 14, after "278d"; strike out "\$41,750,000" and insert "\$42,350,000"; and at the beginning of line 15, strike out "\$500,000" and insert "\$800,000".

On page 31, line 23, after the word "expended", strike out "\$199,500,000" and insert "\$187,500,000".

On page 32, line 21, after the word "which", strike out "\$4,000,000" shall be for operation of the N.S. Savannah; *Provided*, That none of the funds appropriated herein are to be used for a layup of the N.S. Savannah; *Provided further*, and insert "\$1,700,000 shall be for the initial phase of layup of the N.S. Savannah: *Provided*,".

On page 39, line 6, after the word "for," strike out "\$54,078,000" and insert "\$53,862,000".

On page 40, after line 11, strike out:

#### "FEES OF JURORS AND COMMISSIONERS

"For fees, expenses, and costs of jurors; compensation of jury commissioners; fees of United States commissioners and other committing magistrates acting under title 18, United States Code, section 3041; \$15,800,000."

And, in lieu thereof, insert:

#### "FEES OF JURORS

"For fees, expenses, and costs of jurors; and compensation of jury commissioners: \$14,930,000."

On page 41, at the beginning of line 19, strike out "\$560,000" and insert "\$4,560,000: *Provided*, That this appropriation shall be available for fees of United States Commissioners."

On page 42, line 25, after the word "than", strike out "\$6.50" and insert "\$12.00".

On page 45, line 9, after the word "Act," strike out "\$14,313,000" and insert "\$19,000,000."

On page 45, line 15, after "5901-5902," strike out "\$3,929,000" and insert "\$4,479,000."

On page 48, at the beginning of line 19, strike out "\$550,000" and insert "\$597,000".

On page 53, line 15, after the word "States", insert "and for payments in Ceylonese rupees".

On page 53, line 23, after "(75 Stat. 527)," strike out "\$3,500,000," and insert "\$4,566,000".

The PRESIDING OFFICER. The question now recurs on the committee amendment not agreed to, which the clerk will state.

The assistant legislative clerk read as follows:

On page 5, line 13, after the word "Congress," strike out "\$144,611,000" and insert "\$140,911,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JAVITS. Mr. President, the regular procedure would be for the Senator from Arkansas now to present the bill. I hope very much that that will be possible.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry. Are we taking up the amendment to which the exception was made?

The PRESIDING OFFICER. That particular amendment is the pending question, but the Senator from Arkansas has the right to make his full statement on the bill before the vote.

Mr. McCLELLAN. The question is, are all the other amendments going to be agreed to?

The PRESIDING OFFICER. They have all been agreed to.

Mr. McCLELLAN. With this one exception, they have been agreed to?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. All right; then it is not necessarily the order of business. I think we have a right to present perfecting amendments first, and those things. I have no objection, if Senators want to change the whole procedure.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that this committee amendment comes first.

Mr. McCLELLAN. Proceed with it, then.

Mr. JAVITS. 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. JAVITS. 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. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If I am to proceed now, I want to know if I can offer my perfecting amendments before I proceed with this amendment.

Mr. JAVITS. Mr. President, if the Senator will yield, whenever the Senator from Arkansas asks unanimous consent to displace the pending amendment for his perfecting amendments, I shall make no objection.

Mr. McCLELLAN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. McCLELLAN. I thank the Chair.

Mr. President, I shall be rather brief in my analysis of the pending bill providing appropriations for the Departments of State, Justice, and Commerce, the judiciary, and 13 related agencies.

In my opinion, the sum recommended for expenses of the various activities is sufficient to meet their obligations this fiscal year, taking into consideration the fact that expenses have been restricted

since July first under the continuing resolution.

As the report indicates, the total amount of the bill as reported to the Senate is \$3,121,080,500. This sum is \$467,703,600 over the total appropriated for the activities in fiscal 1970, and is \$130,119,500 below the total revised budget estimates requested for fiscal 1971, and is a net increase of \$14,124,000 above the total sum allowed in the House bill. I ask the Senate to note, however, that included in this increase of \$14,124,000 is the sum of \$8,364,000 to finance five important items that had not been considered by the House, namely:

First, \$1,850,000 for the Department of State to provide \$1,100,000 for protection costs of our overseas officials; \$650,000 for the Government's contribution to the retirement fund; and \$100,000 for the International Pacific Salmon Commission to match the Canadian contribution for the first year's costs of the construction project on the Nadina River.

Second, \$2,750,000 for the Federal Bureau of Investigation for 400 additional employees needed to reactivate the fingerprint processing of non-Federal applications submitted by State and local authorities.

Third, \$2,914,000 for the judiciary branch to finance the changeover costs from the U.S. commissioner to the magistrate system this fiscal year.

Fourth, \$300,000 for the National Industrial Pollution Control Council, a new activity which the President delegated to the Department of Commerce, which is necessary to cover staff support for the Council, composed of 63 industry representatives, that will provide advice on pollution control problems.

Fifth, \$550,000 for the Federal Maritime Commission to cover expenses of the new program which concerns the financial responsibility of some 13,000 vessel owners and operators for liability to the United States arising out of claims for damages due to the discharge of oil on coastal or inland waters.

Other changes recommended to the House bill, and considered worthy of note to Members, involve the following:

A reduction of \$3,700,000 was made from the House allowance of \$7,458,875 in the U.S. assessment for membership in the International Labor Organization, an item included in the appropriation "Contributions to international organizations" of the State Department. This sum represents the undisbursed portion of the amount to be paid in fiscal 1971.

An increase of \$550,000 for the design of a specialized medical facility at Butner, N.C., a high-priority item, under the appropriation for "Buildings and Facilities" of the Federal Prison System, Department of Justice.

Also allowed for the Commerce Department were increases of \$16 million for the Development Planning Commissions to provide the full budget estimate of \$45 million, instead of \$29 million allowed by the House; \$1,190,000 additional for planning, technical assistance and research programs of the Economic Development Administration, which were considered essential to carry out an adequate program this fiscal

year; and \$1,426,000 for salaries and expenses of the Environmental Science Services Administration to provide additional funds for air pollution forecasts, modern river and flood forecasting services in critical areas of the country and the establishment of a river forecast service center for the lower Mississippi River Valley.

Offsetting the recommended increases for the Commerce Department were two decreases from the House allowance, one in the amount of \$5,721,000, which related to the Nineteenth Decennial Census appropriation, and was agreed to by the Department; and the other, a reduction of \$12 million from the House allowance of \$199,500,000 in the appropriation "Ship construction" of the Maritime Administration, to provide instead a total of \$187,500,000. This balance, together with the reported carryover of \$12 million in uncommitted funds, is deemed adequate to finance the ship construction program planned for fiscal 1971.

Under the heading of Related Agencies, two major increases were recommended; namely, \$4,687,000 for the Equal Employment Opportunity Commission, to provide the full budget estimate of \$19,000,000 instead of \$14,313,000, the House allowance; and for the U.S. Information Agency, an additional sum of \$1,066,000 was provided in the appropriation for Special International Exhibits. The Committee that felt this increase was justified, in that \$966,000 of the sum would be spent for trade fairs and exhibitions in Eastern Europe and the balance, \$100,000, would be for Trade Missions, the activity that helps stimulate our overseas trade promotion programs under the Commerce Department.

Mr. President, this gives a brief outline of the major changes made by the Committee to the House bill. The details, of course, are set forth in the report that was unanimously approved by the Committee.

Mr. President, I send to the desk two perfecting amendments to the House bill in order to properly reflect the action taken by the committee. I ask unanimous consent that the amendments be stated.

The PRESIDING OFFICER. Is there objection to the present consideration of these amendments? The Chair hears none, and it is so ordered.

The amendments will be stated.

The assistant legislative clerk read as follows:

On page 11, line 2, strike "\$2,605,000" and insert "\$2,605,800".

On page 45, line 7, strike "\$900,000" and insert "\$1,200,000".

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. I am grateful to the Senator from Arkansas for yielding to me briefly.

Mr. President, for a number of years the senior Senator from Maine has been the ranking minority member of the subcommittee from which this appropriation bill emanates. She is unable to be present today because of official busi-

ness, and I have been requested to manage the bill on behalf of this side of the aisle. I am of course happy to do so.

The Senator from Maine has attended virtually all the hearings and has followed the procedures and the activities of the subcommittee very carefully. However when the Appropriations Committee held its markup session, she was unable to be present. She did discuss the items contained in the bill with various members of the subcommittee, and made her views known.

The Senator is to be commended for her long years of outstanding service in the Senate, and we hope that that will extend far into the future. It is because of her absence on official business that I undertake to make this brief statement.

Mr. President, I generally subscribe to the presentation just made by the chairman of the subcommittee. This bill should be acceptable, despite the cut of \$130 million below the revised budget estimate. All the essential needs of higher priority are met, in our judgment, and it should be approved in its present form.

It is true that there is \$14 million-plus over the amount that was included in the bill by the other body. However \$8,764,000 of this is for increases in items not considered by the House. These items have all been discussed by the Senator from Arkansas, so I will make only some brief comments on a few of special interest.

The item of \$1,100,000 for the Department of State to provide additional protection for our Foreign Service personnel, certainly is much needed. We all know of the increase in threats and violence to our ambassadors and other Foreign Service personnel serving overseas. We are all aware of the coldblooded murder of one of our officers that occurred just recently in Uruguay. The funds included in the bill should permit the Department to get a good start on the job of increasing the level of protection for our people abroad.

The second item I would bring to your special attention is an additional amount for the fingerprint identification services of the Federal Bureau of Investigation. Earlier this year the Bureau reluctantly concluded that it could no longer conduct certain categories of fingerprint checks at the request of State and local governments. The Bureau continued to process fingerprints related to law enforcement and other essential activities, but it could not do so for less critical occupations.

Some of the affected categories are real estate operators, gun permit holders, school teachers, bartenders, cab drivers, race track and casino operators, and so forth. There was a great uproar among the cities and the States when this service was curtailed because the FBI is the only place where a comprehensive collection of fingerprints is maintained.

In allowing this added amount, we are making possible the continuance of a very important service rendered to States and cities all across the country.

Mr. President, this bill contains an item in the amount of \$550,000 for the Federal Bureau of Prisons. These funds will be used for planning the Butner Medical Center, which has been needed for a great many years.

Mr. President, I recall that almost 7 or 8 years ago, construction funds were first appropriated for this medical center. The bids which were tendered, however, were higher than the cost estimates upon which the appropriation was made. So, the bids were rejected. The appropriated money was reprogrammed, and the construction of the new facility has been postponed ever since that time.

The Butner Medical Center will replace the Springfield, Mo., Medical Center, which is more than 40 years old. The Springfield facility is completely outdated, and is very inadequate as a medical center which must provide specialized medical services to approximately 21,000 inmates in the prison system. The new center will permit help to be given in the field of rehabilitation, and particularly for psychiatric treatment. In the Federal prison system, with approximately 21,000 inmates, there are only 20 psychiatrists scattered throughout the facilities. It is to be hoped that we can proceed with this. It is a matter of high priority in the construction of facilities in the Federal Bureau of Prisons.

Mr. President, I wish to mention only two other items. One is the regional development program which provides funding for the regional action planning commission. The other is the National Industrial Pollution Control Council, which will provide for the participation of industry in the Government's battle against pollution. It is hoped, that the increases for these items will be acceptable to the Senate and that they will be approved.

Mr. President, I want to commend the chairman of the subcommittee for the splendid fashion in which he has handled this bill, from the hearings on through to its successful conclusion.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, will the Senator from Arkansas yield for one or two brief questions?

Mr. McCLELLAN. I yield.

Mr. DOMINICK. Just as a matter of curiosity, and made in no way in the nature of trying to be critical, but the related agencies, I see, under the bill entitled State, Justice, and Commerce, makes appropriations in the Department of Health, Education, and Welfare in the Office of Education and also in the Equal Opportunity Commission. I thought both of those were under HEW bills, and I wonder why they happen to be included in this one as opposed to the other where I believe they rightfully should be.

Mr. McCLELLAN. They are that way in the budget, would be the first answer to the Senator. The administration put them in the budget and the House included these items in the State Justice Commission bill. That is the reason they are in there.

Mr. DOMINICK. Is there any historical precedent for this in the past for the way this is being handled now?

Mr. McCLELLAN. I understand so.

Mr. HIRUSKA. There is historic precedent for it, to place it in this bill rather than in some other bill. That has been done for a long time. I remember they have always put it in this bill.

Mr. DOMINICK. I thank the Senator.

Mr. PROXMIRE. Mr. President, on behalf of the Senator from Delaware (Mr. WILLIAMS), the Senator from New

York (Mr. GOODELL) and myself, I send to the desk an amendment and ask unanimous consent for its immediate consideration.

Mr. JAVITS. Mr. President, a parliamentary inquiry, if the Senator will yield for that purpose?

Mr. PROXMIRE. Yes, indeed.

Mr. JAVITS. Will consideration of the amendment upon which I have reserved the right in respect of unanimous consent then follow immediately upon completion of the action on this one?

The PRESIDING OFFICER (Mr. BELLMON). As soon as the amendment of the Senator from Wisconsin has been disposed of, the amendment to which the Senator from New York refers will then be considered.

Mr. JAVITS. I thank the Presiding Officer.

The PRESIDING OFFICER. The amendment of the Senator from Wisconsin will be stated.

The legislative clerk read as follows:

On page 49, strike lines 1 through 7, inclusive.

The language sought to be stricken is as follows:

"SUBVERSIVE ACTIVITIES CONTROL BOARD  
"SALARIES AND EXPENSES

"For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, not to exceed \$15,000 for expenses of travel, and not to exceed \$500 for the purchase of newspapers and periodicals, \$401,400."

Mr. PROXMIRE. Mr. President, what this amendment would do would be to strike from the bill \$401,400 for the Subversive Activities Control Board for fiscal year 1971.

The appropriation is \$57,000 above the amount requested and granted last year. This reflects the higher salaries for members of the Board, general counsel, and other officials.

As of 1965, the Internal Security Act required individuals who were members of Communist-action or Communist-front organizations to come forward and register themselves as such. The act provided penalties for wilful refusal to register. In 1965, in *Albertson v. SACB*, 382 U.S. 70, the Supreme Court held that this provision of the act violated the self-incrimination provisions of the fifth amendment, and was unconstitutional.

From the time of this decision until floor debate in October 1967, the SCAB had had nothing whatsoever to do—and did nothing.

Mr. President, I interrupt at this point to ask unanimous consent for a limitation of time on this amendment, with 15 minutes to a side.

The PRESIDING OFFICER (Mr. BELLMON). Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. In an effort to give the Board one last chance, the Mansfield-Proxmire-Dirksen compromise was worked out. The compromise amended the law by changing the above provision, and providing instead that the Attorney

General would cite individuals to the Board—removing the onus from the individual to come forward himself and register. The Board would then investigate and if it found that the individual cited was in fact a member, it would register him. The compromise also provided that if no new cases—and hearings—were opened within a year, the Board would cease to exist.

On June 30, 1968, just before the deadline, Ramsey Clark certified seven new cases to the Board—one of them was Boorda, whose case was decided by the District of Columbia Court of Appeals last December. In September 1968, the Board opened hearings on these cases. This was enough to void the "self-destruct" provision of the compromise, and the Board has been in existence since.

As a result of last December's decision, though, the Board still has not actually registered anyone.

Board members now earn \$36,000 each—or \$180,000 for the five Board members. This must be the highest paid group of benchwarmers in the history of the Federal Government.

Basic reason for my amendment: the Board has absolutely nothing to do. The courts have left it completely powerless. I am as anxious as anyone in this body to see subversive elements—including the Communist Party—controlled, and to do all we can to protect our constitutional form of government from all efforts to overthrow it by violent means. However, I cannot condone appropriating the taxpayers' money for absolutely nothing, and nothing is all the Board has achieved in its 20 years of existence.

The most recent court action which rendered the Board powerless was in Boorda against SACE, decided by the District of Columbia Court of Appeals in December 1969. That case held that penalizing membership in an association, without requiring any finding that the member knew of the group's purposes, or intended to participate in those purposes, violates the freedom of association guarantees of the Constitution, the first amendment.

Here is some of what the court said:

In the present situation, we cannot assume that disclosure of an individual's membership in the Communist Party will not operate as a substantial burden upon the exercise of his right of free association. Therefore the disclosure provisions of sec. 13(g) (2) must fall as contrary to the First Amendment.

The court also went on to say:

When a quasi-political party or other group may embrace both legal and illegal aims, affiliation with and membership in that group are constitutionally protected except for those who join with the specific intent to further illegal action.

Mr. President, I ask unanimous consent that the full opinion be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROXIMIRE. Mr. President, in April of this year, the Supreme Court denied certiorari, thereby permitting this decision to stand—April 20, 1970. Thus, with this decision on the books, the SACE can no longer operate under the existing law.

Perhaps we should amend the law. Perhaps we should provide that the Board can only register individuals if it makes finding of membership—as at present—and in addition, makes the finding that the individual joined with knowledge of the group's purposes and with the intent to further them.

Such an amendment would restore the Board's power to take action. It would at least render the Board a functioning body. But, until we do so, we have no business appropriating an additional \$400,000 for this board on top of the \$6 million we have already wasted on this exercise in futility. If the Board has something to do, fine. But right now it has absolutely nothing to do. And as long as it has nothing to do, nothing is what Congress should appropriate for it.

Consider fiscal responsibility—and the President's two vetoes.

The President has vetoed four major bills passed by Congress on the ground of fiscal responsibility—Labor and HEW for fiscal year 1970, which was \$1.3 billion over; independent offices for fiscal year 1971, which was \$541 million over the President's request; Office of Education, which was \$454 million over; the hospital authorization bill, which was \$342 million over the first year of authorization.

Admittedly, the \$6 million for the Subversive Activities Control Board in the past 20 years is small by comparison.

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

Mr. PROXIMIRE. Mr. President, I yield myself 2 additional minutes.

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

Mr. PROXIMIRE. Mr. President, how can we hope to take the President to task for priorities if we go ahead and blithely appropriate \$400,000 for a board which has accomplished nothing? It is perfectly obvious that unless we change the law or have a constitutional amendment, one or the other, the Board can do nothing.

Mr. President, I reserve the remainder of my time.

#### EXHIBIT 1

[Nos. 22514, 22522.—U.S. Court of Appeals District of Columbia Circuit]

SIMON BOORDA, PETITIONER, v. SUBVERSIVE ACTIVITIES CONTROL BOARD, RESPONDENT—ROBERT ARCHULETA AND WAYNE DALLAS HOLLEY, PETITIONERS, v. SUBVERSIVE ACTIVITIES CONTROL BOARD, RESPONDENT

Argued September 16, 1969.

Decided December 12, 1969.

Petitions for review of order of Subversive Activities Control Board. The Court of Appeals, Bazelon, Chief Judge, held that in proceedings to determine whether individuals were members of organization which was a Communist-action organization, the individuals were not entitled to have status of the organization redetermined, but that provisions of Subversive Activities Control Act allowing public disclosure of an individual's membership in a Communist-action organization without finding that individual concerned shares in any illegal purposes of organization to which he belongs violates First Amendment.

Cases remanded to Subversive Activities Control Board with instructions to dismiss the petitions.

1. War and National Defense—50: A basis objective of the Subversive Activities Control Act is to provide public information con-

cerning Communist activities. Subversive Activities Control Act of 1950, §§ 1-21, 14(a) as amended 50 U.S.C.A. §§ 781-798, 793(a).

2. War and National Defense—50: In proceedings to determine whether individuals were members of organization which was a Communist-action organization, the individuals were not entitled to have status of the organization redetermined. Subversive Activities Control Act of 1950, §§ 1-21, 14(a) as amended 50 U.S.C.A. §§ 781-798, 793(a).

3. Constitutional Law—91: Mere membership in Communist Party is protected by First Amendment. U.S.C.A. Const. Amend. 1.

4. Constitutional Law—91: Individual's right of association is protected by the First Amendment. U.S.C.A. Const. Amend. 1.

5. Constitutional Law—91: When a quasi-political party or other group may embrace both legal and illegal aims, affiliation with and membership in that group are constitutionally protected except for those who join with specific intent to further illegal action. U.S.C.A. Const. Amend. 1.

6. Constitutional Law—91: That some members of Communist Party might be engaged in activities not protected by First Amendment does not mean that the protected activity of other members may be infringed. U.S.C.A. Const. Amend. 1.

7. Constitutional Law—82: If constitutional rights are abused, legislative intervention can find constitutional justification only by dealing with the abuse and the rights themselves must not be curtailed.

8. Constitutional Law—91, War and National Defense—36: Disclosure provisions of Subversive Activities Control Act allowing public disclosure of individual membership in a Communist-action organization without finding that individual concerned shares in any illegal purposes of organization to which he belongs violates First amendment. U.S.C. Const. Amend. 1; Subversive Activities Control Act of 1950, § 13(g) (2) as amended 50 U.S.C.A. § 792(g) (2).

9. Constitutional Law—91: First Amendment precludes government from claiming an interest in public disclosure of associations of innocent members of Communist-action organizations. U.S.C.A. Const. Amend. 1; Subversive Activities Control Act of 1950, § 13(g) (2) as amended 50 U.S.C.A. § 792(g) (2).

Mr. John J. Abt, New York City, of the bar of the Court of Appeals of New York, pro hac vice, by special leave of court, with whom Mr. Joseph Forer, Washington, D.C., was on the brief, for petitioners.

Mr. Kevin T. Maroney, Atty., Department of Justice, with whom Mr. J. Walter Yeagley, Asst. Atty. Gen., Messrs. Frank R. Hunter, Jr., General Counsel, Charles F. Dirlam, Assistant General Counsel, Subversive Activities Control Board, and Mrs. Lee B. Anderson, Atty., Department of Justice, were on the brief for respondent.

Mr. Lawrence Speiser, Washington, D.C., filed a brief on behalf of American Civil Liberties Union, as amicus curiae urging reversal.

Before Bazelon, Chief Judge, and Wright and McGowan, Circuit Judges.

Bazelon, Chief Judge:

These are petitions under § 14(a) of the Subversive Activities Control Act<sup>1</sup> to set aside orders of the Subversive Activities Control Board determining that each of the several petitioners is "a member of the Communist Party of the United States of America, a Communist-action organization." The fact of membership is not at issue.<sup>2</sup> Instead, petitioners attack the Board's construction, and the constitutionality, of the Act. The Board erred, they argue, in taking official notice of its prior determination that the Communist Party is a Communist-action organization, and in not allowing petitioners to demand a redetermination of the status of the Party in the proceedings against them.

Footnotes at end of article.

Additionally, they claim that the Act is constitutionally defective in allowing public disclosure of an individual's membership to be made without a finding that the individual concerned shares in any illegal purposes of the organization to which he belongs. We find this second argument persuasive.<sup>3</sup>

I

Under the Act, when the Attorney General has "reason to believe" \* \* \* that any individual is a member of an organization which has been determined by final order of the Board to a Communist-action organization,<sup>4</sup> he is to file a petition with the Board seeking a determination "that such individual is a member of such Communist-action organization." § 13(a). After hearing, the Board is to make a written report including its findings of fact. If it determines that the "individual is a member of a Communist-action organization," it shall issue and serve him with an order "determining such individual to be a member of a Communist-action organization." § 13(g)(2).<sup>4</sup> Petitioners argue that the difference in language between the two subsections is critical: that is, they would read § 13(a) as instructing the Attorney General to institute proceedings before the Board whenever it comes to his attention that an individual belongs to any organization "which has been determined by final order of the Board to be a Communist-action organization." But § 13(g)(2) requires the Board to determine that the "individual is a member of a Communist-action organization," and this language is said to imply that, during the course of the hearings on a petition to determine an individual's membership, the Board must not only find that the individual is a member of a named organization, but must also redetermine that the organization is in fact a Communist-action organization.<sup>5</sup> Support for this construction is sought in § 13(b) and (1), which provide for redetermination not more than once each calendar year, of the status of individuals and organizations against which Board orders are outstanding. Petitioners would read these subsections to allow an individual to reopen the status of an organization of which he is a member in a § 13(b) petition for redetermination. Therefore, they argue, § 13(g) should be read in the same way, and an individual should be allowed to litigate the status of an organization of which he is alleged to be a member during the course of the initial proceedings against him.

On its face, § 13(b) does not compel the construction sought by petitioners. It provides, in pertinent part:

"Any organization as to which there is in effect a final order of the Board determining it to be a Communist-action or Communist-front organization, and any individual as to whom there is in effect a final order of the Board determining such individual to be a member of a Communist-action organization may, not more often than once in each calendar year, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-action or Communist-front organization, or that such individual no longer is a member of a Communist-action organization, as the case may be." (Emphasis added.)

This language is not entirely free from ambiguity, but it seems to imply that an individual, in a § 13(b) proceeding, may contest only the fact of his membership in a named organization against which an order is already outstanding.<sup>6</sup> The limitation of petitions to one per calendar year is at least an indication that Congress intended that no particular issue should be relitigated more than once each year.<sup>7</sup> Allowing individual members of an organization to reopen the complex question whether the organization to which they belong is a Communist-action

organization would be to open the door to substantial delaying tactics without providing a corresponding benefit to anyone.<sup>8</sup> Absent any support in the legislative history for petitioners' construction of § 13(b),<sup>9</sup> we cannot conclude that it was intended to allow individuals to contest the status of the organizations to which they belong.

Deprived of any support from § 13(b), petitioners' construction of § 13(g) must likewise fail. That construction would require us to read identical statutory language<sup>10</sup> in substantially different ways without any apparent support for such a different construction in the legislative history.<sup>11</sup> It would raise a serious risk of inconsistent adjudications; that is, of opposite determinations of the same question (whether a given organization is a Communist-action organization) in proceedings against different individuals.<sup>12</sup> That § 13(a) allows individual proceedings to be consolidated is no assurance that they would be. The Board did not err in holding that petitioners may not challenge the status of the Communist Party in the instant proceeding.

II

We must therefore face the constitutional question. Petitioners argue that § 13(g)(2) of the Act<sup>13</sup> is invalid because it provides for public disclosure of the fact of their membership in the Communist Party whether or not they intend to further any of the Party's illegal, as well as its legal and constitutionally protected aims.<sup>14</sup> The Board's primary response to this argument is that it is foreclosed by the Supreme Court's decision in *Communist Party v. Subversive Activities Control Board*, 367 U.S. 1, 81 S.Ct. 1357, 6 L.Ed.2d 625 (1961).<sup>15</sup>

The Supreme Court in the *Communist Party* case was presented with the question whether the First Amendment prohibited the requirement, set forth in § 7 of the original Act,<sup>16</sup> that organizations found to be dominated by a foreign power and intending the illegal overthrow of existing government could be required to file registration statements including the names and addresses of their members.<sup>17</sup> Individual members of the Communist Party were not parties to the action, but the Court allowed the Party standing to assert those rights of its members, such as anonymity, which are allegedly infringed by the very act of its filing a registration statement, and which could not be otherwise asserted than by raising them here." 367 U.S. at 81, 81 S.Ct. at 1402.

The Court examined the structure of the Act, and found that the registration and disclosure requirement of § 7 did not attach "to the incident of speech, but to the incidents of foreign domination and of operation to advance the objectives of the World Communist movement." *Id.* at 90, 81 S.Ct. at 1407. Since regulation was premised on constitutionally unprotected conduct, the Court was required to balance "the value to the public of the ends which the regulation may achieve" against "the impediments which particular governmental regulation causes to entire freedom of individual action." *Id.* at 91, 81 S.Ct. at 1407; see *United States v. O'Brien*, 391 U.S. 367, 377, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968). Although the Court did not consider the incidental infringement of First Amendment rights to be insubstantial, *see* 367 U.S. at 102, 81 S.Ct. 1357, it concluded that the importance of the government's interest in disclosing the names of those who desired to further the illegal aims of Communist-action organizations justified the requirement that such organizations make public their membership lists. *Id.* at 102-103, 81 S.Ct. 1357.

The present case, however, stands on an entirely different footing. Of course, in both cases the class of persons upon whom disclosure ultimately operates is the same—all members of the organization, whether innocent or guilty. But § 7 of the original Act on

its face dealt directly with organizations at least some of whose members shared in the illicit, constitutionally unprotected aims of the organization. *See id.* at 23-27, 42-55. Of course it would hardly have been practicable to require the organizations themselves to distinguish in their membership lists between innocent and guilty members. Therefore, the disclosure provisions were viewed as attaching to the incidents of foreign domination and illicit purpose, characteristics of the organization and of some but not all of its members. Innocent members were unavoidably caught up in a net designed to disclose the guilty. But § 13(g)(2) operates directly on individuals; consequently, the "operative fact[s] upon which [the statute] depends," *United States v. Robel*, 389 U.S. 258, 263, 88 S.Ct. 419, 423, 19 L.Ed.2d 508 (1967), must be facts characteristic of the individual upon whom the statute operates. Under § 13(g)(2), disclosure attaches to mere membership in a Communist-action organization, whether or not the member whose affiliation is to be publicized has engaged in, or has any intent to further, the illicit ends of the organization. If mere membership, to which disclosure attaches, is constitutionally protected, the balancing test is inapplicable. *Communist Party, supra*, 367 U.S. at 90, 81 S.Ct. 1357.<sup>18</sup> Consequently, the question for decision is simply whether the statute infringes protected rights. *De Jonge v. Oregon*, 299 U.S. 353, 364-365, 57 S.Ct. 255, 81 L.Ed. 278 (1937).

[3-7] It seems clear to us that mere membership in the Communist Party is protected by the First Amendment. For it is "now beyond dispute," *Bates v. City of Little Rock*, 361 U.S. 516, 523, 80 S.Ct. 412, 4 L.Ed.2d 480 (1961), that "an individual's right of association" \* \* \* is protected by the provisions of the First Amendment. *United States v. Robel*, 389 U.S. 258, 263, 88 S.Ct. 419, 423 (1967). When a "quasi-political party or other group" \* \* \* may embrace both legal and illegal aims," *Scales v. United States*, 367 U.S. 203, 229, 81 S.Ct. 1469, 1486, 6 L.Ed.2d 782 (1961), affiliation with and membership in that group are constitutionally protected except for those who join "with the 'specific intent' to further illegal action." *Elfrbrandt v. Russell*, 384 U.S. 11, 17, 86 S.Ct. 1238, 1241, 16 L.Ed.2d 321; *see Noto v. United States*, 367 U.S. 290, 299-300, 81 S.Ct. 1517, 6 L.Ed.2d 836 (1961). "Assuming that some members of the Communist Party" \* \* \* had illegal aims and engaged in illegal activities, it cannot automatically be inferred that all members shared their evil purposes or participated in their illegal conduct." *Schware v. Board of Bar Examiners*, 353 U.S. 232, 246, 77 S.Ct. 752, 760, 1 L.Ed.2d 796, 64 A.L.R. 2d 288 (1957). For "men in adhering to a political party or other organization notoriously do not subscribe unqualifiedly to all of its platforms or asserted principles." *Schneiderman v. United States*, 320 U.S. 118, 136, 63 S.Ct. 1333, 1342, 87 L.Ed. 1796 (1943).<sup>19</sup> Therefore the fact that some members of the Communist Party may be engaged in activity not protected by the First Amendment does not mean that the protected activity of other members may be infringed. If rights are abused, "legislative intervention can find constitutional justification only by dealing with the abuse. The rights themselves must not be curtailed." *De Jonge v. Oregon, supra*, 299 U.S. at 364-365, 57 S.Ct. at 260.

[8] Since the disclosure provisions of § 13(g)(2) attach solely to constitutionally protected rights, the only remaining question is whether they operate to discourage or penalize the exercise of those rights. We believe that they do. "Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462, 78 S.Ct. 1163, 1172, 2 L.Ed.2d 1488 (1958). In the present situation, we cannot assume

that disclosure of an individual's membership in the Communist Party will not operate as a substantial burden upon the exercise of his right of free association.<sup>20</sup> Therefore, the disclosure provisions of § 13(g) (2) must fall as contrary to the First Amendment. *United States v. Robel, supra*; *De Jonge v. Oregon, supra*.

## III

[9] We would be led to the same conclusion under the balancing test as enunciated in the *Communist Party* case.<sup>21</sup> The court in that case sustained the disclosure provisions of § 7 of the original Act, which like the present statute made no distinction between innocent and guilty members. But disclosure in that case was sought from the Party, not from individuals,<sup>22</sup> and consequently there was available no practicable, less intrusive alternative to disclosure of the names of all members: to ask the Party itself to distinguish between those of its members who did and who did not share its illegal aims would be to ask the impossible. But proceedings under § 13(g) (2) are on a case-by-case basis, rendering it feasible to distinguish in each case between protected and unprotected membership. *Scales v. United States*, 367 U.S. 203, 81 S.Ct. 1469, 6 L.Ed.2d 782 (1961). Therefore, in weighing the public interest in disclosure, we must weigh a different quantity: since innocent members may easily be separated from guilty ones, the public interest in exposure of the guilty cannot be used to justify exposure of the innocent. See *Keyishian v. Board of Regents*, 385 U.S. 589, 606-607, 87 S.Ct. 675, 17 L.Ed.2d 629 (1967); *Shelton v. Tucker*, 364 U.S. 479, 488, 81 S.Ct. 247, 5 L.Ed.2d 231 (1960). Since the First Amendment precludes the government from claiming an interest in public disclosure of the associations of innocent members of Communist-action organizations,<sup>23</sup> *Elfrandt v. Russell*, 384 U.S. 11, 17, 86 S.Ct. 1238, 16 L.Ed.2d 231 (1966), the governmental interest to be weighed in this case is nil.<sup>24</sup>

Since § 13(g)(2) of the Subversive Activities Control Act is contrary to the First Amendment, the orders issued in these cases cannot stand. The cases must be remanded to the Subversive Activities Control Board with instructions to dismiss the petitions.

It is so ordered.

## FOOTNOTES

<sup>1</sup> Title I of the Internal Security Act of 1950, 64 Stat. 987, as amended 50 U.S.C. §§ 781-798 (1964 & Supp. IV, 1969). Unless otherwise indicated, all references are to the Act as amended.

<sup>2</sup> Petitioners have refused to respond to the allegations of membership on the ground that the statute under which proceedings were had is unconstitutional.

<sup>3</sup> We do not, therefore, consider petitioners' other constitutional claims.

<sup>4</sup> If the Board determines that an individual is not a member of a Communist-action organization, it shall issue and serve upon the Attorney General "an order denying the determination sought by his petition." § 13(h) (2).

<sup>5</sup> Petitions for determination that an individual is a member of a Communist-action organization apparently cannot be brought until the organization in question has been determined by the Board to be a Communist-action organization. *See* § 13(a).

<sup>6</sup> Of course, a petitioner in a § 13(b) proceeding could argue that there was no longer a Board order outstanding against an organization of which he was a member.

<sup>7</sup> The limitation of § 13(b) petitions to one per year was contained in the original act and carried over in the 1968 amendments. But it is of some relevance that the House Report on the 1968 amendments indicated substantial concern over delay in Board proceedings. *See* H.R. Rep. No. 733, 90th Cong., 1st Sess. 10 (1967).

<sup>8</sup> An organization may, of course, reopen the question of its status once per year under § 13(b); this should provide at least

some remedy for the organization's members.

<sup>9</sup> Petitioners have directed us to no such material, nor have we been able to unearth any.

<sup>10</sup> The phrase "is a member of a Communist-action organization," appearing in § 13(b) and (g) (2) of the Act.

<sup>11</sup> As originally enacted, § 13(g) (2) spoke of "a Communist-action organization (including an organization required by final order of the Board to register under § 7(a))" (emphasis added). 64 Stat. 1000. The italicized phrase is missing from the section as amended in 1968. But the House Report on the amendments describe them as simply "conforming amendments" to bring the Act in line with *Albertson v. SACB*, 382 U.S. 70, 86 S.Ct. 194, 15 L.Ed.2d 165 (1965). We do not believe that the House intended the radical alteration in Board proceedings sought by petitioners. *See* H.R. Rep. No. 733, 90th Cong., 1st Sess. 23 (1967).

<sup>12</sup> A "basic objective" of the Act is to provide public information concerning Communist activities. *See* H.R. Rep. No. 733, *supra* note 11, at 3. A regular pattern of inconsistent determinations based not on changed circumstances but solely on the particular evidence adduced at different proceedings would hardly advance this objective.

<sup>13</sup> Section 13(g) provides:

"If, after hearing upon a petition filed under subsection (a) of this section the Board determines—

\* \* \* \* \*

"(2) that an individual is a member of a Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order determining such individual to be a member of a Communist-action organization."

All such orders are a matter of public record. § 9(a).

<sup>14</sup> Neither petitioners nor the Board suggests that § 13(g) (2) could be construed so as to apply only to those members of Communist-action organizations who share in the group's illegal aims, and we believe they are correct. *United States v. Robel*, 389 U.S. 258, 262, 88 S.Ct. 419, 19 L.Ed.2d 508 (1967); *Aptheker v. Secretary of State*, 378 U.S. 500, 511 n. 9, 515-516, 84 S.Ct. 1659, 12 L.Ed.2d 992 (1964); *see Killian v. United States*, 368 U.S. 231, 82 S.Ct. 302, 7 L.Ed.2d 256 (1961).

<sup>15</sup> It has been elsewhere suggested that Supreme Court cases subsequent to the decision in *Communist Party* have eroded its validity. Note, *Civil Disabilities and the First Amendment*, 78 Yale L.J. 842 (1969); *see United States v. Robel*, 389 U.S. 258, 88 S.Ct. 419 (1967); *Keyishian v. Board of Regents*, 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d 629 (1967); *Elfrandt v. Russell*, 384 U.S. 11, 86 S.Ct. 1238, 16 L.Ed.2d 231 (1966). In view of the disposition made here, we need express no opinion on this point.

<sup>16</sup> That section has since been repealed Act of January 2, 1968, Pub.L. No. 90-237, § 5, 81 Stat. 766.

<sup>17</sup> The Court in *Communist Party* phrased the issue as follows:

"The Communist Party would have us hold that the First Amendment prohibits Congress from requiring the registration and filing of information, including membership lists, by organizations substantially dominated or controlled by the foreign powers controlling the world Communist movement and which operate primarily to advance the objectives of that movement: the overthrow of existing government by any means necessary and the establishment in its place of a Communist totalitarian dictatorship." 367 U.S. at 88-89, 81 S.Ct. at 1406.

It pointed out that "our consideration of any other provisions than those of § 7, requiring Communist-action organizations to register and file a registration statement,

could in no way affect our decision in the present case." *Id.* at 77, 81 S.Ct. at 1400.

<sup>18</sup> *See also United States v. Robel*, 389 U.S. 258, 268 n. 20, 88 S.Ct. 419, 426 (1967), where the Supreme Court explicitly rejected any attempt at "balancing" in dealing with § 5 of the Act:

"It has been suggested that this case should be decided by "balancing" the governmental interests expressed in § 5(a)(1) (D) against the First Amendment rights asserted by the appellee. This we decline to do. We recognize that both interests are substantial, but we deem it inappropriate for this Court to label one as being more important or substantial than the other. \* \* \*"

Petitioners suggest that this footnote implies that the approval of "balancing" in *Communist Party*, *see* 367 U.S. at 91, 81 S.Ct. 1357, has since been withdrawn. But the Court once again resorted to a balancing test in *United States v. O'Brien*, 391 U.S. 367, 377, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968). It appears, then, that balancing may be appropriate when a statute is directed at constitutionally unprotected conduct, and infringes upon protected conduct only as an unavoidable side effect of an otherwise unexceptionable purpose. But where, as in *Robel*, "the operative fact upon which [the statute] depends is the exercise of [a right] protected by the provisions of the First Amendment," 389 U.S. at 263, 88 S.Ct. at 423, the First Amendment precludes a resort to "balancing."

<sup>19</sup> The Board relies upon *Adler v. Board of Education*, 342 U.S. 485, 494-495, 72 S.Ct. 380, 96 L.Ed. 517, 27 A.L.R.2d 472 (1952), for the contrary proposition. But the Supreme Court in *Keyishian v. Board of Regents*, 386 U.S. 589, 595, 87 S.Ct. 675, 679, 17 L.Ed.2d 629 (1967) pointed out that "pertinent constitutional doctrines have since rejected the premises" of that decision.

<sup>20</sup> There is no direct evidence in the record in this case as to the degree of harassment that one named as a member of the Communist Party may suffer as a result. But although it is true that the Supreme Court has in some cases relied solely on record evidence to establish such a possibility, *e.g.* *Shelton v. Tucker*, 364 U.S. 479, 486 n. 7, 81 S.Ct. 247, 5 L.Ed. 2d 231 (1960), *Bates v. Little Rock*, 361 U.S. 516, 520-522, 80 S.Ct. 412, 4 L.Ed.2d 430 (1960), *NAACP v. Alabama*, 357 U.S. 449, 462, 78 S.Ct. 1163 (1958), it was willing to state in *Communist Party* that "the public opprobrium and obloquy which may attach to an individual listed with the Attorney General as a member of a Communist-action organization is no less considerable than that \* \* \* in *N.A.A.C.P.* and *Bates*." 367 U.S. at 102, 81 S.Ct. at 1413. And in *American Communications Ass'n v. Douds*, 389 U.S. 382, 402, 70 S.Ct. 674, 686, 94 L.Ed. 925 (1950), the Court noted:

"Under some circumstances, indirect 'discouragements' undoubtedly have the same coercive effect \* \* \* as imprisonment \* \* \*. A requirement that adherents of particular religious faiths or political parties wear identifying arm-bands, for example, is obviously of this nature."

<sup>21</sup> "Against the impediments which particular governmental regulation causes to entire freedom of individual action, there must be weighed the value to the public of the ends which the regulation may achieve." 367 U.S. at 91, 81 S.Ct. at 1407.

<sup>22</sup> This difference was used in *Communist Party* to distinguish *Shelton v. Tucker*, 364 U.S. 479, 81 S.Ct. 247, 5 L.Ed.2d 231 (1960). *See* 367 U.S. at 92-93, 81 S.Ct. 1357.

<sup>23</sup> We are not dealing here with a legislative investigation the primary purpose of which is to inform Congress with respect to matters properly within its concern. In such cases, some disclosure to the public may be justified as a necessary incident of disclosure to Congress. *Cf. Watkins v. United States*, 354 U.S. 178, 187, 77 S.Ct. 1173, 1 L.Ed.2d 1273 (1967); *United States v. Rumely*, 345 U.S. 41, 56-58,

73 S.Ct. 543, 97 L.Ed. 770 (1953) (concurring opinion).

<sup>24</sup> In the *Communist Party* case, the Court sustained the disclosure provisions of § 7 of the original Act because "the mask" of anonymity which [the] organization's members wear serves \*\*\* [to enable] them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support." 367 U.S. at 102-103, 81 S.Ct. at 1414. In other words, the government's interest in disclosure was considered to be its interest in disclosure of the names of guilty members of the Party, i.e., those who shared the purposes found by the Court not to be constitutionally protected. But, as pointed out above, there was in that case no practicable way of distinguishing between innocent and guilty members, and a refusal to consider the public interest in disclosure of the guilty members would have meant that the interest could not have been protected at all. See 367 U.S. at 88-89, 81 S.Ct. 1357.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, this issue is not new. It has been raised before. The Senate has resolved it on two previous occasions. On October 11, 1967, the same issue was raised. We should bear in mind that at that time it was raised under the previous administration.

The previous administration refused or declined to assign any work to this board. For what reason, I do not know, unless it took the view that the Senator takes here today, that it was a waste of funds and a waste of effort and was not justified.

The present administration proposes to use the board. As I said, the issue has been here twice before at a time when the board had nothing to do.

The Senate, on October 11, 1967, rejected an amendment to this bill by the distinguished Senator from Delaware to eliminate this item and rejected it by a vote of 54 to 36.

Thereafter, in the same year, the same Congress on October 23—just 12 days later—rejected an amendment by the Senator from Massachusetts (Mr. BROOKE), to a separate bill, to terminate completely this board. The Senate at that time rejected the Brooke amendment by a vote of 58 to 17.

We now have a new administration, an administration that has promised to use this board, an administration that is using it. It has already referred two cases to it. The board is now working on those cases.

I am advised, although I do not have it in writing—I just took their word for it—that other cases are being processed in the Justice Department which will likely go to the Board.

It is said that this Board cannot do anything. Let me point out what is involved here. If there were ever a time in the history of this Nation when there were movements within the country that are subversive to the principles of our Government to its very foundation, if there were ever a time when there were organizations, militant and extreme organizations, in this country whose pur-

pose and design and objectives are to bring about a revolution and overthrow the Government, if there were ever a time when there has been so much bombing, rioting, and subversive activities in this country, so far as I know now is that time.

This would be a pretty present, I think, for the Senate now to present to those forces at a time when the Board, in effect, has been reactivated by this administration. We would be saying in effect to the Board, "You cannot do it any longer." That would be a pretty present to present to those forces and those elements that are on the rise in America today, whose activities are being accentuated and increased.

It would be a bad time to say, "You are free. You are not going to be investigated by the Department of Justice or by the Subversive Activities Control Board."

Mr. President, I think it would be a terrible mistake. I do not want to do it. I do not know how much the Board can do. But I do know what we are proposing to do. We might save \$400,000, but at the same time we would permit organizations like the two whose cases have been referred to the Subversive Activities Control Board to continue their activities.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter dated August 10, 1970, from the Chairman of the Board, John W. Mahan. We also have testimony in the RECORD, I believe.

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

SUBVERSIVE ACTIVITIES CONTROL  
BOARD,  
Washington, D.C., August 10, 1970.  
Hon. JOHN L. McCLELLAN,  
Chairman, Subcommittee of the Committee  
on Appropriations, Departments of State,  
Justice, and Commerce, the Judiciary  
and Related Agencies, U.S. Senate,  
Washington, D.C.

DEAR SENATOR McCLELLAN: Following my testimony before your Subcommittee on June 24, 1970, the Attorney General on July 14, 1970, filed petitions before the Subversive Activities Control Board alleging that certain groups were Communist-front organizations.

These groups are the Young Workers Liberation League alleged to be a Marxist-Leninist youth organization created and controlled by the Communist Party, and the Center for Marxist Education alleged to be a training center for Communist Party members and receiving financial aid and other support from the Communist Party.

On August 5, 1970, the attorney for the respondents filed with this Board answers denying the allegations and motions to dismiss the petitions.

The Board's Rules of Procedure provide that a reply to a written motion shall be filed within seven days after the date of service thereof and it is expected the Attorney General will reply to these pleadings. Upon receipt of the reply these motions will be set for hearing by the Board at an early date.

The Young Workers Liberation League is asserted to have local chapters functioning in several of the large cities of the United States and if it should be the determination of the Board to overrule the motion of the respondents it would be expected that extensive hearings by this Board will take place in these large cities where the organizations are functioning.

I enclose with this letter copies of the

petitions, the motions and answers and the press release of July 14, 1970, by the Attorney General.

Sincerely,

JOHN W. MAHAN,  
Chairman.

Mr. McCLELLAN. Mr. President, I do not agree that we should say, now that the Board has been reactivated by the present administration:

We are cutting you off. We are not worried about what is going on in America. Let the extremists have their day. Let them go on and undermine the Government. We will cut off all power to investigate and will cut off all money and abolish the board and let them go free.

Although this Board may not be what it should be because it has been handicapped by the courts, it is true, we propose in the report that the Senate Judiciary Committee review the legislation with a view to amending and strengthening it, if that can be done, or with a view of determining whether the Board should be abolished.

Mr. President, I submit that this ought to be done legislatively. This would be the wrong way to do it in an appropriation bill. We have a Judiciary Committee which is the appropriate legislative committee that is empowered to act. If Congress wants to repeal this act, that is the way to proceed.

Mr. HRUSKA. Mr. President, will the Senator yield me 3 minutes?

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, I rise to oppose the amendment and support the position expressed by the Senator from Arkansas.

After thorough consideration, this Congress did decide that it would continue the life of this Board. That was done 3 years ago in October of this year. The continuation of the Board was conditional, on the referral of additional cases to it. They were, and proceedings were had.

Two cases were recently referred to the Commission. One of them has to do with the Young Workers Liberation League. The other has to do with the Center for Marxist Education. These cases are pending and proceedings are in process.

Mr. President, if a change is to be made, it should be made by legislating amendments to the act which created this Board. It should not be done by the type of amendment now pending before the Senate.

The committee considered the matter at length and included this language at the bottom of page 35 of the report:

The committee recommends that the Senate Committee on the Judiciary give consideration to reviewing the operation of this Board and its present powers in view of recent court decisions.

The amendment should be rejected and the matter referred for consideration in the fashion suggested in the report.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. McCLELLAN. Mr. President, I yield

2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. GRIFFIN. Mr. President, in 1967 when a previous vote was taken, I voted for an amendment similar to the one that is now pending. I voted in that way, not because I did not favor the Board and not because I saw no reason for its existence or for its activities, but because the Board had not received anything to do and there were no prospects at that time that it could be given anything. I find the situation to be different now. The Board has been assigned work and we have the assurance of the administration that it will be assigned more work.

Certainly, there is plenty of work for such an investigative body to do, in addition to such work as the appropriate committees of Congress can do.

Therefore, I think it is in order to reject this amendment and to support the appropriation recommended by the committee.

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

Mr. McCLELLAN. I yield 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. THURMOND. Mr. President, I rise to support the appropriation for the Subversive Activities Control Board. As a member of the Senate Internal Security Subcommittee, I have long followed the problems of the SACB, and I am aware both of its accomplishments and its potential. I am also aware of the obstacles which the courts have placed before the work of the Board through no fault of its own.

J. Edgar Hoover has testified that Communist Party leaders boasted that if they could repeal the Subversive Activities Control Act and destroy the Board, they could recruit 50,000 members a year.

For 20 years the Communist Party, its fronts and its fellow travelers have been trying to destroy the Board and rescind the law creating it. The fact of the matter is that the Communist Party and its fronts have spent thousands and thousands of dollars fighting this act in the courts; that the courts, including the Supreme Court, have reviewed it thoroughly and upheld the Board's authority to hold hearings and issue reports on Communist-action organizations, Communist-front organizations, and Communist-infiltrated groups.

Let me give an example. Back in 1949 the party established another youth front called the Labor Youth League—LYL. In April 1953, the Attorney General petitioned the Subversive Activities Control Board to hold hearings on this group for the purpose of finding it a Communist front. The Board held hearings in 1953 and 1954 and issued its report finding the group a Communist front in 1955.

The LYL then experienced a decline. Two years later, in February 1957, it called a special convention for the purpose of dissolving itself. Its own official summary of the convention proceedings read in part as follows:

A large number of the delegates spoke of the attacks against the LYL by the McCarran Act (Subversive Activities Control Act) as a major factor in preventing the growth of the organization because it intimidated youth and restricted their joining.

This demonstrates the effectiveness and utility of the board. Now let me show you the kind of work that awaits the board.

At the end of March of this year, a Soviet newspaper reported that there had been formed in the United States, a new Communist youth organization, the Young Communist Workers Liberation League—YCWLL—which, it said, would serve as "a principal ally and a reserve of the Communist Party U.S.A." The Soviet newspaper hailed this development as "a great victory and achievement" for communism and one which would have "an enormous effect on the development of a revolutionary youth movement in the U.S.A."

This was a reference to the founding convention of the YCWLL at the Sherman Hotel in Chicago early in February this year, as the successor to the DuBois Clubs.

This is just one example of the kind of material which the board has the authority to work on, if the cases are submitted by the Justice Department. It must be remembered that the board was originally set up to deal with Communist-controlled organizations. It was only recently, 8 years after the first individual membership cases were submitted to the board, that the courts found a defect in the membership provision in the act. I believe that this defect could be cured by amending the act, and the Judiciary Committee currently has such legislation on the agenda for immediate action. Although the courts have ruled out part of the board's activities, much of its mandate remains intact.

To put the case in a nutshell, the board today has all the powers that were utilized during the first dozen years of its experience to undercut Communist operations effectively.

Furthermore, I am informed by the Attorney General that he has plans to give the Board new and expanded duties, and that these plans should be forthcoming shortly. The Board should receive appropriations so that it will be prepared for these new duties.

Mr. President, the Board was created by an act of Congress. That act is still in force. As recently as 1967, there were extensive hearings in the House, and debate in both Houses, on a bill to strengthen the Board and the law creating it. The result was the passage of that bill by a large majority in both Houses. Congress, in other words, after thorough debate determined just 3 years ago that the Board should be retained and strengthened. I believe that the evidence today demonstrates that the need for the Board is as great as it has been at any time in the past 20 years, and I hope that the Senate will approve its appropriation.

Mr. PROXMIRE. Mr. President, I yield 4 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr.

President, I support this amendment. In 1967 I offered a similar amendment to abolish this Board. For many years Board members have been doing nothing but drawing salaries and they have had no work assigned to them.

The fact that two cases have now been assigned to them means nothing because the Department of Justice will still have \$1.120 billion in order to administer and enforce the laws of this country, and certainly that is enough money.

This \$400,000, which is being used just to pay a group of what in effect are "political drones," will not serve any useful purpose, as far as I can see.

I am just as much opposed to subversive activities in this country as anyone else, but this appropriation serves no useful purpose. But we should remember the taxpayers need to have some protection and to retain this group of individuals on the payroll, as we have for the past 4 or 5 years, individuals who are doing absolutely nothing, is a complete waste of taxpayers' money.

This amendment should be agreed to; and if and when the administration decides they need this group and legislation is passed which would confer on them duties which must be carried out we could then appropriate the money for their salaries.

For 5 years we have been appropriating the money in the hope that at some time someone would assign them a job. This agency should have been abolished 5 years ago. Subversive activities can affect taxpayers as well as some of our philosophy in Government.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. Mr. President, it has been said that the previous administration did not give this board anything to do. That is not the case. They gave them seven cases to investigate. But the Board found they could not act because the Supreme Court said it was in violation of the first amendment of the Constitution. No matter how many cases this Attorney General and the administration send them, it is going to be the same answer until we either amend the Constitution or change the law.

It may make some Senators feel better to be able to say to constituents, "We dislike Communism so we decided to appropriate \$400,000 to combat Communism, but this is not the way to do it. This is firing blank ammunition."

The statement has been made that we should investigate the Communist Party. Of course, we should. As the Senator from Delaware has pointed out, we have appropriated over \$1 billion for the Department of Justice, and we have provided a great deal of money for the FBI.

One would think that we were proposing to abolish the FBI. It is the FBI which investigates and makes findings, and the Attorney General has the responsibility for prosecuting those who violate our laws. If our laws are not effective we should pass new laws. But to appropriate money for a Board which has shown over and over again it cannot act, and with respect to which the Supreme Court said in April that although

August 24, 1970

we change the act it is still in violation of the Constitution, is an exercise in complete and total futility.

Mr. President, this does not fool anyone. Conservative newspapers in this country have overwhelmingly called for the abolishment of this Board. One would think that people are saying we have to have the Subversive Activities Control Board to do the job. The number of editorials I have seen in my office from conservative newspapers is very substantial. I do not know of any competent constitutional lawyer who says we should continue to appropriate money for this Board which the Supreme Court found to be unconstitutional.

I would agree with the Senator from Arkansas that the Communist Party, of course, represents a threat to this Nation. We should do whatever it takes to bring it under control, and to do that we need legislation and the legislation could come first.

For us to appropriate money, hoping this Board after 20 years of doing nothing can find something to do, it seems to me is a superficial political act which does not do the job.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I do not know about this being an exercise in political futility. I think it is an exercise in political activity to counteract the subversive political activity of Communist-front organizations in this country; but if that has political overtones I accept them and I am glad to be on this side of the issue.

I have checked on this matter and there are two cases under active consideration. I understood there were nine cases down there when they started.

As I said awhile ago, this issue is not new. This amendment was offered before the full Committee on Appropriations and the full Committee on Appropriations voted it down 14 to 1. I hope the committee vote will be sustained.

If this should be stopped the right way to do it is by legislation, and I suggest to my friends who are so bitterly opposed to the Board, to introduce legislation to abolish it.

Let it be processed by the appropriate legislative committees. Let us have hearings. Maybe the board ought to be abolished. But this is the wrong way to do it. This body has decided that heretofore. The Senator talks about the Justice Department having appropriations of millions of dollars. The department cannot use that money for this purpose unless it is authorized to pay the board out of funds which it has. The purpose of this appropriation is to pay the board.

It is my opinion—and I believe the opinion is shared by probably every Member of this body—that Communist-front organizations are proliferating in this country today as never before. We ought to have investigations made by this tribunal or some other one which is empowered to investigate. I cannot help believing that the Constitution, properly interpreted, will permit this Government to protect itself against its enemies, both external and internal. If present law is not adequate, the course to pursue is by

legislation, not by denying the appropriation. I hope that the Appropriations Committee will be sustained and that this appropriation will be allowed.

Mr. PROXMIRE. Mr. President, the opponents of the amendment have not given one single bit of evidence that if we appropriate these funds, the Board can act, in view of the Boorda decision. That decision simply handcuffed the Board to prevent it from action.

Mr. McCLELLAN. Mr. President, will the Senator yield on that particular point, so as to get the matter straight?

Mr. PROXMIRE. I yield.

Mr. McCLELLAN. The Boorda decision deal with individuals. The Board still has authority to deal with organizations. Apparently that has not been denied them. That is the purpose of having the organizations referred to the Board.

Mr. PROXMIRE. Of course, it is possible for the Board now to publicize the organizations that are subversive, but that is about as empty and meaningless an action, in my view, as any I can conceive of. We know that those groups are subversive. The effective thing is to identify individuals, and that cannot be done.

Mr. McCLELLAN. Would the Senator agree that the Board has power to make judicial findings that such organizations are subversive, after hearings, after they have had their day in court? Does the Senator agree that the Board has that power?

Mr. PROXMIRE. I would not deny that; but that is of no value to us.

Mr. President, may I point out that this body decided, by a vote of 74 to 2 in 1967, to abolish the Board if it had nothing to do. After 1 year, it is true that the Board can now cite an organization as subversive, but in my view such a citation accomplishes virtually nothing. The whole thrust of the effort has been to identify individuals as subversives, and unless we amend the law, that cannot be done. That is why I say if the law is not right, and if the Senator from Arkansas, the Senator from Nebraska, I, and other Senators agree that this law is not adequate, that it will not do the job that should be done, we ought to pass a law that will do the job before, I repeat before, we provide funds.

Mr. GOODELL. Mr. President, the Senate Appropriations Committee, following the lead of the House, and in accordance with the request of the administration, has recommended an appropriation of \$401,400 for the activities of the Subversive Activities Control Board—SACB—for fiscal year 1971.

It is my belief that the SACB should not be funded at all, and I am, therefore, cosponsoring an amendment to strike from the appropriations bill before us the appropriation recommended for it.

In a letter of July 29 to the distinguished Senator from Arkansas (Mr. McCLELLAN), chairman of the Appropriations Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies, I urged the subcommittee to delete the \$401,400 which the House had approved for the SACB. I noted then that—

The list of the Board's accomplishments is brief. A series of court decisions has rendered the Board virtually powerless, and has left it with practically no job to do. In the

twenty years of the Board's existence, a total of only 66 petitions have been filed for determination of individual membership in the Communist Party. Only one organization has been determined to be a Communist-action organization—the Communist Party of the United States—and that determination took ten years of litigation to reach.

The validity of the assumptions underlying the establishment of the SACB are open to serious question, and arguably inconsistent with the fundamental concepts of civil liberty upon which the Constitution is based.

Even among its supporters, moreover, there has been widespread recognition of the Board's lusterless performance and lack of effect upon Communist subversion in this country.

The American Civil Liberties Union has rightly described the Subversive Activities Control Act as the emasculated remnants of McCarthyite legislation adopted in the 1950's, legislation violative of first amendment rights of free speech and association.

At a time when funds are desperately needed for education, for manpower training, for anticrime efforts, and a host of other programs, the allocation of 1 penny for the activities of an ineffective body based upon antilibertarian premises would be a manifestation of that same inversion of priorities which has resulted in the expenditure of billions abroad while domestic programs are underfunded here.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. McCLELLAN. A "yea" vote for the amendment to strike the item from the bill. A "nay" vote is to sustain the Appropriations Committee and keep the item in the bill. Is that correct?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. McCLELLAN. I just wanted to make that clear.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota

(Mr. McCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE) is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Rhode Island (Mr. PASTORE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Maine (Mrs. SMITH) would each vote "nay."

The result was announced—yeas 28, nays 44, as follows:

[No. 267 Leg.]

YEAS—28

Bayh	Harris	Moss
Boggs	Hart	Muskie
Brooke	Hatfield	Nelson
Case	Hughes	Packwood
Church	Javits	Pell
Cranston	Jordan, Idaho	Proxmire
Dominick	Mathias	Ribicoff
Eagleton	McGee	Williams, Del.
Fulbright	McGovern	
Goodell	Mondale	

NAYS—44

Allen	Fannin	Miller
Allott	Fong	Percy
Anderson	Griffin	Prouty
Bellmon	Gurney	Randolph
Bennett	Hansen	Russell
Bible	Hartke	Schweikert
Burdick	Holland	Smith, Ill.
Byrd, Va.	Hollings	Sparkman
Byrd, W. Va.	HRuska	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Long	Talmadge
Curtis	Magnuson	Thurmond
Eastland	Mansfield	Tower
Ellender	McClellan	Young, N. Dak.
Ervin	McIntyre	

NOT VOTING—28

Alken	Jackson	Scott
Baker	Kennedy	Smith, Maine
Cannon	McCarthy	Stevens
Cotton	Metcalf	Symington
Dodd	Montoya	Tydings
Dole	Mundt	Williams, N.J.
Goldwater	Murphy	Yarborough
Gore	Pastore	Young, Ohio
Gravel	Pearson	
Inouye	Saxbe	

So Mr. PROXIMIRE's amendment was rejected.

Mr. HRUSKA. I move to reconsider

the vote by which the vote was rejected.

Mr. GRIFFIN and Mr. McCLELLAN moved to lay the motion on the table.

The motion to lay on the table was agreed.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. JAVITS. Mr. President, I think I can explain this situation in a few minutes. On the committee amendment with relation to the International Labor Organization, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, what has happened is the following: The ILO is an organization to which we have belonged for four decades. It originally came out of the League of Nations. I think probably it is the only or one of the very few survivor organizations.

Mr. President, this has never really been challenged. It has been an accepted membership of the United States, in which we have gone on from year to year. A very distinguished and well known American named David Morse was for many years—I think 20 years—the Director General; and the appropriations for our membership, running in the area of \$7 million a year, went unquestioned. Now what has happened is that there is a new Secretary General.

The House of Representatives, after voting the money as was normally done—this time the appropriation is \$7.5 million—then held a special hearing, at the request of George Meany, the president of AFL-CIO, and a gentleman named Edwin Neilan, who is the American employer representative to the ILO, as this is an organization to which we send both employer and employee representatives; and the subcommittee in the other body decided that they would like to see this appropriation cancelled out.

So, apparently, they communicated with the Senate subcommittee, which thereupon is proposing—and that is the amendment I am contesting—to strike out the sum of \$3,758,875 which is in the bill as it came from the House and which is the dues we owe to the ILO for the remainder of this year. If that is stricken out, it will mean, for practical purposes, that the ILO will have been cut off from support by the United States. Though it only strikes half the amount, for all practical purposes, it refuses to pay our dues in the organization. The issue is, Shall we do that or not?

Mr. President, this matter broke very suddenly. Apparently, it was not known at all that this would be done by the committee. This has been considered a routine matter for years. As I understand it, the reason for the feeling on the part of George Meany and Edward Neilan is that a new Director General of the ILO has been appointed, Gordon Jenks, a British subject, and that he has appointed as one of his deputies a Soviet citizen. This, apparently, has so disturbed the employer representative, Mr. Neilan, and the labor representative as to induce them to make known their opposition in the other body, and the other body could do nothing about it. It sent word over here and apparently the committee did it. I think this is a very unfortunate development and an unwise idea, for many reasons. But the prime

reason is that it works against our own interests.

For a modest sum of money we are jeopardizing a serious international proposition. The United States is bound as a matter of law to pay the assessments for the ILO duly made upon it. If we want to denounce it or pull out of it, that is our privilege, but we are in there and we are bound to pay. We are bound by law to pay the assessment. This has been held in an opinion by the International Court of Justice, that an assessment duly made by the United Nations, or by any such organization, is legally binding upon its members. Both the French and the Soviet Union are defying the United Nations on this issue, as they have refused to pay any part of the assessment levied upon them for peacekeeping, either in the Middle East or in the Congo, and we would be joining them if we rejected this assessment.

Mr. President, this seems to be what is involved and is an extremely unwise idea on the part of the United States at a time when it is in enough difficulties with the United Nations as it is, when the United Nations undoubtedly must be restricted. Nevertheless, it represents the only existing organization which is available to us as an international forum for discussion and debate. It has shown in many instances some capability for peacekeeping or reconciling situations in the world, like that in New Guinea, and Indonesia, where there was danger to the world of a conflagration. The United Nations is now right in the middle of the negotiations on the Middle East, which we consider to be a dangerous and serious situation. So I think it is a very unhappy, unwise, and unfortunate thing to do at this particular juncture on the part of ourselves who are the greatest power on this earth and who are looking and are still looking, and I think with justice, to the United Nations as an instrument which can be made constantly more effective in terms of peacekeeping.

I do not look at the United Nations through rose-colored glasses. I know its deficiencies. I know its difficulties. Right now, it depends on, as John Calhoun once said, concurrent majorities. So that we have to have the Soviet Union and the United States agree before we can agree on anything. In the General Assembly we have to have the great rank and file of the Asian and African nations agree before we can agree on anything. But, nonetheless, it carries some critically important responsibilities and work in the world. It is the forum to which nations can repair when they get into real difficulty. It is the place where the United States and the Soviet Union meet each other and, with other nations, work out differences. So that it is too useful and important an instrument for international peace to be dismantled. Yet by ourselves, doing what this amendment would seek to do—to wit, refusing to honor our own dues-paying obligations to a given organization, we would be contributing further to weakening that organization, to emasculating and discrediting it, by joining those powers—to wit, the Soviet Union and France, which have heretofore defied the United Nations on the issue of paying assessments

August 24, 1970

to the organization to which they belong. This is very unwise.

As to the merits, the International Labor Organization is an instrument which seeks to keep decent labor standards in the world. It is responsible for many conventions which are proposed to the nations for agreement. Mostly we have adhered to conventions which deal with shipping and the fate of seamen. There are five such conventions in force proposed by the ILO. We have ratified two which are not yet in force, also respecting seamen; and we have also approved in the Senate, but not yet ratified, three others, making a total of 10 conventions.

I will agree that that output is not particularly impressive, but I have been a Senate delegate to the ILO on occasion, and so have many other Senators, as I am the ranking member on the Committee on Labor and Public Welfare, and also because, incidentally, I happen to be a member of both the Foreign Relations and Labor and Public Welfare Committees. We have checked with the Parliamentarian and have found that there is jurisdiction over the ILO by the Committee on Labor and Public Welfare concerning matters which relate to its general recommendations, and so forth. But when it comes to treaty conventions, they go to the Foreign Relations Committee. I happen to serve on both committees. Hence, I have taken an interest in this matter of the ILO, and my own observations are that this is the one place where we do have the opportunity to raise the labor standards of the world.

This is critically important to us in trade as well, because of the way the world operates in terms of the rank and file of all mankind. Employers and employees attend. The Soviet Union attends. There is no place where we can confront the alleged employers and employees of the Soviet Union or their representatives. It has been a tremendously useful instrument of education and propaganda, if you will, Mr. President, insofar as the ideas of basic humane labor and the basic concepts of labor organizations and of collective bargaining are concerned. It has had, in my own experience, great usefulness in that.

For many years a close friend of mine was a man named J. David Zellerbach. He ultimately became our gifted Ambassador to Italy. He began his public career as an employer representative at the ILO and rendered magnificent service to the United States and to the true cause of the common man, although he was a great industrialist himself, head of the Crown Zellerbach Corp. In that particular capacity, I learned a great deal about the ILO through him, which makes me feel that it is a useful instrument.

If we are going to adopt the principle that from now on we are not going to support any organization that takes a Russian national on its staff, that is a one-sided and myopic point of view. We want to find some way to get along with the Russians. We want the Russians to know how we work. We want the United Nations to have a more powerful influence over the world.

In the United Nations Secretariat itself, we have never objected to two dep-

ties there, or to other Soviet nationals that have worked there. For 20 years we had an American there as head of the ILO. We may again. Now it happens to be an Englishman, perhaps with different ideas. We should have learned by now that we do not accomplish anything by going off and sulking if things are not going the way we want them to. If we do not like them, then we should try to change them. What we propose to do here is to go off and sulk and say that we will not pay our dues because we do not like what is going on.

Mr. President, I do not believe that is the American way.

Mr. GRIFFIN. Mr. President, the Senator from New York has very well stated the case, but I do want to indicate my association with his point of view and indicate further my hope that his position will prevail.

Surely the ultimate goal is to try to establish some kind of respect for law, particularly among the nations. If we are to disregard our obligations, particularly in the United Nations and its affiliates, we would have little basis for expecting other nations to observe and adhere to their obligations.

We were one of the moving parties in taking the case to the Court of International Justice when the Soviet Union refused to pay its assessments for the peacekeeping functions of the United Nations. Now, by following adoption of the committee amendment, we would be doing precisely what we have accused the Soviets of doing.

The Senator from New York has stated the case so well that it seems to me, unless we want to adopt a resolution of some kind to get out of the ILO, we would have no choice, on principle, other than to take the position the Senator from New York has asked the Senate to take.

Mr. JAVITS. Mr. President, I am extremely grateful to my good friend from Michigan for his intercession here. I might point out, too, that the administration appeared and asked for this appropriation and, so far as I know, they adhered to that position. I have no reason to suppose otherwise.

Let me read a section of the Constitution of the International Labor Organization that relates to withdrawal, section 5 of article I of the constitution:

5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

It seems clear to me, therefore, that the honorable and decent thing to do would be for any Senator so minded to introduce a resolution here calling for our withdrawal from the International Labor Organization.

I have little doubt that if such a resolution were passed by Congress, the President would honor it. We could make it

a joint resolution which would require the President's signature. That would take us out of it.

I do not think that staying in and refusing to pay our dues is consonant with the integrity and the good faith of the United States or the value to our country of international organizations for peace like the ILO.

I hope very much, therefore, that the Senate would vote against the committee amendment which changes this bill by striking out the amounts I have described.

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

Mr. JAVITS. I yield.

Mr. FANNIN. Mr. President, I do not like to disagree with my colleagues who have spoken in favor of this action.

I had the opportunity to attend the ILO 1 year. I listened for days to condemnations of the United States of America. The meeting was oriented toward that point of view. In fact, Communist spokesmen condemned the United States. We were called imperialists, invaders, and murderers. For a long length of time during almost every day, we had to listen to these condemnations.

I commend George Meany, the president of the AFL-CIO, and Mr. Ed Neillan. Mr. Neillan was at the ILO meeting I attended and I have great respect for him.

I cannot understand why we should foster a program so adverse to our country.

I bring this out because there were many delegates and observers from other countries that listened to this tripe and to the condemnation of our Nation. I know that they could not understand the position the United States had taken. In many instances they were being misled by the Communists.

At that time a Communist was elected to be the chief elective officer. I thought that was a step that indicated the direction the ILO was going.

I feel that it would be wrong for us to continue to foster a program with the ILO.

I realize what is involved here insofar as the United Nations is concerned. But I realize what is happening so far as the other countries and their representatives listening to condemnation of our country is concerned.

I think it is a sad commentary on our country when we have to put up with that kind of action.

Mr. JAVITS. Mr. President, I think it would be sadder if the other delegates had to listen to what they have to say without our being there to refute it.

I think if Mr. Neillan is up to his usual performance, he can answer the charges very eloquently as well as the labor delegates and the public delegates who are there.

I would much rather be there and answer the charges than to let them go by default because we had pulled out.

That is my reason for taking this action. We have to face up to this thing as our delegates do every day in the United Nations.

We had some extraordinarily gifted answers when Henry Cabot Lodge was

there, without meaning disrespect to Mr. Yost, who is there now.

I remember that Henry Cabot Lodge made monkeys of the Communist delegates. He made them look foolish. He answered them off the cuff in a most excellent manner.

I do not think we should have any fear of these accusations. We would get them anyway. But instead of having them go over worldwide radio and press releases, we would be there to answer them.

Mr. FANNIN. Mr. President, I would point out to the Senator from New York that condemnations were made after every speech made by our delegates. I would say that there would be much less likelihood of that being done if we were not taking part in that particular type of activity.

I witnessed five speeches at the conference I attended. I think that the Senator will agree that while I was there this action took place.

I was ashamed not to be able to respond. However, under the circumstances we could not respond to the accusations being made. Certainly they had control of the conference. They were in control to the extent that we did not have an opportunity to answer, as the Senator has indicated should be done.

When the cards are stacked against us, it is pretty hard to come up with an answer.

Mr. JAVITS. I have been there, and I found no dearth of opportunity to reply. If there are more of them than there are of us, then we are not being persuasive enough. We are ducking the question.

I submit that the debate will go on whether we are there or not. The accusations will be made, except that we will not be there to face the issues, and they will have additional points to make which is what I want to deprive them of.

This is an obligation that we solemnly undertook, and we ourselves said that this was the way to run any international organization. Then, we propose to walk out.

Mr. FANNIN. Mr. President, do we not pay more than any other country?

Mr. JAVITS. We pay 25 percent. We probably pay more than any other country. However, we have a gross national product which is three times that of the Soviet Union.

Mr. FANNIN. But the Soviet Union claims that they are wealthier than any other nation. However, when it comes to paying dues, they do not say so.

I was disgusted with the situation. We were not in a position to do anything about it. I do not see how we can do anything when we do not have control.

Mr. JAVITS. We would have as much control as anybody, and I think we have for years.

If the Senator had wanted an opportunity to speak there, it could have been had, because I think that opportunity is available to delegates from the United States.

I see no reason why the Senator could not be a Senate delegate.

We should not merely walk out. And I hope very much that we do not.

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

Mr. JAVITS. I yield.

Mr. MILLER. Mr. President, might I

ask the Senator from New York what is the net effect of this committee amendment. Is it that we would withdraw from membership in the ILO?

Mr. JAVITS. For practical purposes. We would not withdraw. It is like not paying the bill. We would still owe it.

We would still have to withdraw formally and the indebtedness for dues would accumulate against us even if we gave notice.

That is the advisory opinion of the International Court of Justice on this very issue.

Mr. MILLER. Mr. President, is the Senator saying that the amount provided in the bill, according to the committee, is supposed to cover past membership dues?

Mr. JAVITS. No. We owe \$7.5 million for current dues. The committee amendment would appropriate half of that to pay for the first 6 months and would appropriate nothing for the second 6 months.

Mr. MILLER. Under those circumstances, would that not be effective in persuading our representatives to withdraw our membership from the ILO?

Mr. JAVITS. No, because we cannot withdraw for 2 years. I do not see that that would help us.

Mr. MILLER. It would seem to me that if the money is not there and the Congress has, in effect, stated that we should not be involved in the ILO, we would withdraw.

Mr. JAVITS. I do not know that the President will withdraw. The President may feel this would be very unwise and that he would do better with the next Congress; but our indebtedness would accumulate just the same. That is the opinion of the International Court of Justice, which we sought.

Mr. MILLER. Mr. President, will the Senator yield briefly?

Mr. JAVITS. I yield.

Mr. MILLER. The Senator knows that over the years I have made considerable protest over the fact that some of the countries, like the Soviet Union and France, have been very seriously delinquent in the payment of their dues and assessment to the United Nations. This matter came to a head about 3 or 4 years ago. Under the charter of the United Nations, where a nation is more than 2 years in arrears in assessments and payments, it is supposed to lose its vote. But unfortunately the U.S. Representative—and I am sure acting on orders from the White House—decided not to press that point, and we still find the Soviet Union and France voting in the United Nations, contrary to the charter.

I suggest to the Senator that the amount of money which is involved, which might technically become an arrearage for the United States, would be a very, very small amount and would not put us in the same category as the Soviet Union and France because, as I recall, there is a percentage involved in determining whether or not a nation is more than 2 years in arrears. So I do not think we will have that problem for several years, even if this is not paid.

If I thought we had the problem, I believe the Senator's point about falling into the same category as the Soviet Union and France would be well taken,

but I suggest the point is not likely to occur—certainly in the next year or two and by that time we would have the opportunity to reassess the situation and decide whether or not we wished to withdraw.

Mr. JAVITS. I think the Senator is confusing the remedy with the debt. The debt persists. We have contracted to pay up to 25 percent of the expenses of this organization. There are different remedies in different organizations in the United Nations. The limit is to cut off the vote. For reasons our President thought proper he did not see fit to invoke that penalty against France and the Soviet Union, even though the courts decided against them. We had more at stake than was involved in that situation; but the point is we are affirming that point and we are keeping that point and this is a strong position for us to be in and it is not worth doing what is implied by the Senator and jeopardizing that position on our part in terms of the U.N., by taking this position in connection with the ILO. But we are doing it with our eyes open, of course.

It is the old question that one faces as a lawyer: are you going to stand by the contract and sue for the debt, or repudiate the contract. In this case I think we are not wise to repudiate the contract.

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

Mr. JAVITS. I yield.

Mr. FANNIN. Is it not true that other amounts are involved? I recall that we discussed the amount of money involved in the technical assistance program. As I recall we furnish about 41 percent. Is that the figure for that program?

Mr. JAVITS. I do not have those figures in front of me. Last year's budget of the ILO was \$22 million, of which we paid \$5.6 million, which is 25 percent. There must be \$1 million or \$2 million here for other matters but I will say to the Senator that based on my knowledge of this situation, this is something we agreed to pay.

Mr. FANNIN. As I recall we were paying about 41 percent of the cost of the technical assistance program. I do not object to that, if we had 41 percent of the vote on what would be done with those funds. I recall there was some objection by some of our members with respect to the basis for which that money was being utilized. We were not getting credit for the 41 percent. Others in charge were getting credit in that particular year. It happened that Communist countries were in control. We were getting little for the 41 percent.

Mr. JAVITS. That is optional with us. We do not have to go into any of the technical assistance programs involved, but apparently we thought we would get a lot more out of it. Otherwise, I assume we would not have gone into it. The figures on that element of the work are marginal. In these international organizations we are bound to run into these situations. It is not a monolithic situation. We have to decide what we will do directly and what we will do through the United Nations and what we will do through the International Labor Organization, taking all factors into consideration. But in this instance we have

undertaken the commitment and the assessment having been made we intend to repudiate it and I think that is unwise in the interest of our country, and that is what I am arguing.

Mr. FANNIN. I do not remember the exact figures, but I recall it was much more than \$2 million. Quite a vast sum of money was involved, but I do not have the figures at this moment. I think it is important to consider we did not have control as to how our money was being spent.

Mr. JAVITS. If we were improvident, the House committee would not have voted \$2 million, but they did. They voted on the whole thing. But it back-tracked, when it received the testimony of Messrs. Meany and Neilan, relating to this matter of appointing as deputy to Jenks a citizen of the Soviet Union. We must assume that was the reason, and not justification of the figure.

Therefore, I have made the point whether the speech made by Meany and Neilan should influence us to repudiate that.

Mr. FANNIN. I would say to the Senator if this had been the only case involving a Communist to be the chief executive of the organization I do not think there would be so much concern, but I know this happened before. In fact, it happened in the last 5 years. As I recall, and I would not want to be held to this, either two or three times a Communist has been chief executive.

Mr. JAVITS. The Senator referred to "chief executive." There is a Director General of this organization. Is that the office?

Mr. FANNIN. That is correct. The Director General. I do not have the information before me. I hope the Senator will bear with me.

Mr. JAVITS. I do. I will answer the Senator. As I understand the situation, David Morse, an American, and the remotest thing from a Communist or Communist sympathizer, for two decades—I went to his 20th anniversary celebration—was Director General of the International Labor Organization.

The new man is named Jenks, an Englishman. I do not think the Senator is raising a question about him. He has taken on as a deputy a Soviet citizen. I do not think he would be called a chief executive. Perhaps he is the deputy for administration. I do not know. But I do not think it would be fair to call him a chief executive officer. The Senator will correct me if I am wrong but no such question could be raised.

Mr. FANNIN. I will say to the Senator that as I recall in 1966 the AFL-CIO had members in attendance but upon the election at that time of the Communists—I do not say the official in control was the chief executive—they walked out of the ILO on that occasion. I think the Senator recalls that. There was a great deal of condemnation of the ILO at that time by the labor organizations. The Senator talked about the gentleman who served for so many years. I think that was prior to 1965.

Mr. JAVITS. No, he just retired in the last year. Mr. Morse was there in 1966. He was Director General.

Mr. FANNIN. As I recall, he was not the one that supervised the meeting.

Mr. JAVITS. He must have. He was Director General. He has been there for all these years. I have a dim recollection of some such controversy involving the American trade movement as represented by the AFL-CIO; but let us remember—and I yield to no one in my respect for the organization—that the AFL-CIO represents only between 16 and 18 million workers out of a total work force of 70 million, and it can be wrong about a lot of things, as the Senator has pointed out on many occasions. It may well be wrong about this one, and I think it is.

Mr. FANNIN. Mr. Neilan was a representative and was associated with the U.S. Chamber of Commerce. That organization did not leave it, but I think it was in sympathy with the action taken by Mr. George Meany, of the AFL-CIO.

I look back at the number of years that this has been in controversy, and I regret that action was not taken before this.

The United States is a member of the ILO supposedly because of the opportunity to obtain support of our foreign policy. The questions are:

Are we benefiting or damaging our relationship with the other countries of the world, especially those new emerging nations such as those from Africa?

Are we accomplishing our foreign policy objectives through the ILO commensurate with the extent of our expenditures and the effort involved?

The Communists are using the plenary session as a forum for selling socialism to the many new member nations uninformed about the free countries of the world. This is not abiding by the concept of the ILO's precepts of free workers, free employers and representative government. The United States has four delegate votes—the African nations alone have 140 votes.

The true objectives of the Communists are to disrupt and confuse and they are certainly not interested in the stated objectives of the ILO since their goals are diametrically opposed in ideology and principles to the constitution and by-laws of the ILO.

Mr. JAVITS. It has taken the Appropriations Committee a long time to come to this judgment. As I said to the Senate, we have to decide what, as a Nation, is best for us, with full respect to the opinion of Mr. Meany and Mr. Neilan.

Mr. President, I yield the floor.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, would the Senator from New York agree to a time limitation of a half hour, with 10 minutes to the Senator from New York and 20 minutes to the Senator from Arkansas?

Mr. JAVITS. Yes; or a half hour to the Senator from Arkansas and 10 minutes to me, whatever the Senator wishes.

Mr. McCLELLAN. Make it 30 minutes, and I will try to get through before then.

Mr. HRUSKA. Mr. President, would it not be well to have that time limitation effective at the conclusion of the remarks of the Senator from Arkansas?

Mr. JAVITS. Then the time would have to be equally divided.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limit of 10 minutes for the Senator from New York and 30 minutes for the Senator from Arkansas.

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

Mr. COOK. Mr. President, in regard to the remarks by the distinguished Senator from New York, I think it is important to have two things put into the RECORD, and I would hope the Senator from Arkansas would not mind my putting them into the RECORD. The first is the contributions statement as of December 31, 1969, for the calendar year 1965 through 1969 to the International Labor Organization.

It shows that at the present time, through 1969, the arrearage for all countries is \$5,497,154, and that the arrearage of countries prior to 1965 presently stands at \$702,714.

Relative to some of the questions that were asked by the distinguished Senator from Iowa, I would like to read article 13, paragraph 4, of the ILO constitution into the RECORD, it reads as follows:

A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided the conference—

And this is important—

may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

I might say that there are presently 11 countries that, as of December 31, 1969, were without voting rights because of their financial arrearages. Loss of vote, as I said, is automatic when the arrearage equals or exceeds the amount of the contributions due from it for the preceding 2 full years. These countries still sit on the council, and still participate in the activities of the council, but do not vote because their arrearage is in excess of 2 years.

I think it is also important in this regard that we have in the RECORD the International Labor Organization scale of assessments for the calendar year 1969. In regard to the remarks of the Senator from Arizona (Mr. FANNIN), it shows that the United States pays \$6,653,184—this is as of calendar year 1969—and the next highest nation to us is the U.S.S.R., with \$2,661,274.

I can only say that this does not take us out of the organization in any way, shape, or form.

If there is a degree of displeasure on the part of the United States, obviously it has 2 full years in which to make it up. If it could in any way express itself to the conference by way of withholding a contribution, it still is not out of the organization until its arrearage equals 2 full years of its contributions.

So the idea that, somehow or other, by not paying a percentage of its dues in this calendar year it repudiates a treaty

is not correct, because there are countries on this list that have not paid their assessments since 1965. They are still members of the I.L.O. They are in arrears and will, if they so continue be able to retain their membership.

I can only say that if this country has a serious complaint that it cannot rectify

by way of debate at this time, at least it might express its will by temporarily withholding funds, if it is its desire. The next Senate may make up the difference or withhold a portion of its payment, or if it is the desire of the next session of Congress that the money not be paid, it may well be the desire of the Congress

that it no longer be a member of the International Labor Organization.

I ask unanimous consent that the two papers that I referred to be printed in the RECORD as a part of my remarks.

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

INTERNATIONAL LABOR ORGANIZATION—CONTRIBUTIONS STATEMENT AS OF DEC. 31, 1969 FOR THE CALENDAR YEARS 1965-69<sup>1</sup>

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1965	\$18,684,347	\$18,429,662	98.64	\$254,685
1966	20,337,871	20,134,772	99.01	203,099
1967	22,472,938	22,145,605	98.54	327,333
1968	24,836,091	23,926,727	96.38	899,364
1969	26,612,739	22,800,066	85.67	3,812,673

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year—					Country	Calendar year—					
	1965	1966	1967	1968	1969		1965	1966	1967	1968	1969	Total
Afghanistan						\$1,382	\$1,382					
Albania <sup>2</sup>	\$22,421	\$24,405	\$15,731			62,557						
Bolivia <sup>3</sup>	22,421	23,120	26,428	\$27,320	26,613	125,902						
Burundi <sup>3</sup>			16,315	27,320	26,613	70,248						
Cambodia						22,676	22,676					
Chad				72	26,613	26,685						
Chile					87,822	87,822						
China			386,324	694,592	1,080,916							
Columbia					21,290	21,290						
Congo (Brazzaville)					2,962	2,962						
Costa Rica <sup>3</sup>	9,117	24,405	26,967	27,320	26,613	114,422						
Cuba			60,300	72,024	77,177	209,501						
Dahomey <sup>3</sup>			26,574	27,320	26,613	80,507						
Dominican Republic <sup>3</sup>	23,301	26,967	27,320	26,613	104,201							
Ecuador <sup>3</sup>		12,005	27,320	26,613	65,938							
El Salvador <sup>3</sup>			27,320	26,613	53,933							
Guinea		8,178	27,320	26,613	62,111							
Haiti <sup>3</sup>	22,421	24,405	26,967	27,320	26,613	127,726						
Hungary				83,215	111,773	194,988						
Laos					26,613	26,613						
Lebanon					19,471	19,471						
							Total	254,685	203,099	327,333	899,364	3,812,673
												5,497,154

<sup>1</sup> Total due for years prior to calendar year 1965: Albania \$14,667; Bolivia \$33,595; China \$243,463; Haiti \$40,403; Paraguay \$244,293; and South Africa \$126,193 or a total of \$702,714.

<sup>2</sup> Ceased membership May 8, 1967.

<sup>3</sup> Denotes member States which on Dec. 31, 1969 were without voting rights because of their financial arrearages. Loss of vote is automatic when the arrears equals or exceeds the amount due for the preceding 2 full years, according to art. 13, par. 4 of the I.L.O. constitution, as follows:

"A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee,

or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

<sup>4</sup> Ceased membership Nov. 3, 1966.

<sup>5</sup> Payments totaling \$1,665,588.00 were consummated January and July 1970 from fiscal year 1970 appropriations.

INTERNATIONAL LABOR ORGANIZATION—SCALE OF ASSESSMENTS FOR CALENDAR YEAR 1969

Country (118)	Percent	Amount	Country (118)	Percent	Amount	Country (118)	Percent	Amount
Afghanistan	0.10	\$26,613	Germany, Federal Republic of	4.57	\$1,216,202	Netherlands	1.13	\$300,724
Algeria	.12	31,935	Ghana	.12	31,935	New Zealand	.47	125,080
Argentina	1.36	361,933	Greece	.21	55,886	Nicaragua	.10	26,613
Australia	1.83	487,013	Guatemala	.10	26,613	Niger	.21	55,886
Austria	.37	98,467	Guinea	.10	26,613	Nigeria	.51	135,725
Barbados	.10	26,613	Haiti	.10	26,613	Pakistan	.57	151,692
Belgium	1.35	359,272	Honduras	.10	26,613	Panama	.10	26,613
Bolivia	.10	26,613	Hungary	.42	111,773	Paraguay	.10	26,613
Brazil	1.32	351,283	Iceland	.10	26,613	Philippines	.37	98,467
Bulgaria	.19	50,564	India	.43	114,434	Poland	1.24	329,998
Burma	.10	26,613	Indonesia	.27	71,854	Portugal	.24	63,870
Burundi	.10	26,613	Iran	.10	26,613	Rumania	.43	114,434
Byelorussia	.45	119,757	Iraq	.23	61,209	Rwanda	.10	26,613
Cameroon	.10	26,613	Ireland	.13	34,596	Senegal	.10	26,613
Canada	3.36	894,188	Israel	.23	625,399	Sierra Leone	.10	26,613
Central African Republic	.10	26,613	Ivory Coast	.10	26,613	Singapore	.10	26,613
Ceylon	.10	26,613	Jamaica	.10	26,613	Somalia	.10	26,613
Chad	.10	26,613	Japan	2.46	654,673	Spain	1.04	276,772
Chile	.33	87,822	Jordan	.10	26,613	Sudan	.10	26,613
China	2.61	694,592	Kenya	.10	26,613	Sweden	1.58	420,481
Colombia	.32	85,160	Kuwait	.10	26,613	Switzerland	1.24	329,998
Congo (Brazzaville)	.10	26,613	Laos	.10	26,613	Syria	.10	26,613
Congo (Kinshasa)	.10	26,613	Lebanon	.10	26,613	Tanzania	.10	26,613
Costa Rica	.10	26,613	Lesotho	.10	26,613	Thailand	.20	53,225
Cuba	.29	77,177	Libya	.10	26,613	Togo	.10	26,613
Cyprus	.10	26,613	Luxembourg	.10	26,613	Trinidad and Tobago	.10	26,613
Czechoslovakia	.92	244,837	Malagasy Republic	.10	26,613	Tunisia	.10	26,613
Dahomey	.10	26,613	Malawi	.10	26,613	Turkey	.54	143,708
Denmark	.70	186,289	Malaysia	.17	45,241	Uganda	.10	26,613
Dominican Republic	.10	26,613	Mali	.10	26,613	Ukraine	1.26	335,320
Ecuador	.10	26,613	Malta	.10	26,613	U.S.S.R.	10.00	2,661,274
El Salvador	.10	26,613	Mauritania	.10	26,613	United Arab Republic	.32	85,160
Ethiopia	.10	26,613	Mexico	.76	202,257	United Kingdom	9.14	2,432,404
Finland	.32	85,160	Mongolia	.10	26,613	United States	25.00	6,653,184
France	6.07	1,165,393	Morocco	.14	37,258	Upper Volta	.10	26,613
Gabon	.10	26,613	Nepal	.10	26,613	Uruguay	.14	37,258
						Venezuela	.50	133,063

## INTERNATIONAL LABOR ORGANIZATION—SCALE OF ASSESSMENTS FOR CALENDAR YEAR 1969—Continued

Country (118)	Percent	Amount
Viet Nam	.10	\$26,613
Yemen	.10	26,613
Yugoslavia	.40	106,451
Zambia	.10	26,613
Total	100.00	26,612,739

Mr. McCLELLAN. Mr. President, I yield myself 8 minutes.

At the outset I would like to say that the Senate Appropriations Committee considered an amendment on this same item and, by a vote of 21 to 2, rejected the amendment to insert this appropriation in the bill.

This issue has arisen by reason of the fact that Mr. George Meany, president of the American Federation of Labor-CIO, after the House took action and approved the full amount of the budget, advised Mr. ROONEY that this appropriation should not be made. Thereafter I think he appeared voluntarily before the committee—the House Appropriations Committee held a hearing on this after they had reported the bill, and while the bill was over here in the Senate—and testified opposing this appropriation.

It does appear to me that if the head of this great labor organization in the United States, who has been in attendance at all of these meetings, or many of them, and has observed the working of the ILO, comes back to the Congress of the United States and says the United States is getting no benefit from it, that it is a propaganda machine, and that today it is not serving the purpose for which it was created, a man who is dedicated to the best interests of labor, not only in America, but throughout the world, who comes and makes that plea to Congress not to waste the American taxpayers' money any more, that ought to carry a great deal of weight. It is very persuasive to me.

I would like to read into the RECORD some of the things Mr. Meany said about it, and to insert other portions of his testimony into the RECORD.

Mr. Meany describes this organization, on page 48 of the House report of his testimony. He says:

What has happened since the Soviets came into the ILO—

Russia did not come in at the beginning, Senators will remember—

is that the ILO became a sounding board more and more each year for political discussions. Those of us who have attended ILO meetings in the last few years have been subjected to the indignity of listening to speaker after speaker on the resolutions committee denouncing the United States of America. This has become a forum for Russian political propaganda, and there is no effort made by the Office of the ILO to stop this.

Mr. Meany continues:

As a sample of the attitude of the Office of the ILO toward the Soviet Union here is an article written this April in the International Labour Review, which is the official publication of the ILO.

The article is written under the title of "Lenin and Social Progress." Listen, Mr. President:

As a sample of the attitude of the Office of the ILO toward the Soviet Union here is an article written this April in the International Labour Review, which is the official publication of the ILO. The article is written under the title of Lenin and Social Progress. The article pleads for revolution in the developing countries and holds up the Soviet form of revolution as a model and the best road to social progress, and it portrays Lenin as the great benefactor of mankind, and nowhere in the article does it indicate that Lenin was the head of this proletarian dictatorship which was set up in Russia in 1920 and that he was the author of the Red terror and the oppression against the people of the Soviet Union. This is not mentioned in this article.

I ask unanimous consent to have printed in the RECORD the article to which Mr. Meany referred, entitled "Lenin and Social Progress," written by E. Pletnev and R. Kossolapov, and published in the International Labour Review of April 1970.

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

## LENIN AND SOCIAL PROGRESS

(E. Pletnev<sup>1</sup> and R. Kossolapov<sup>2</sup>)

Drawing his material from the storehouse of history, the writer Stefan Zweig composed an enchanting tale about the "luminous hours" in the story of mankind, when great men were vouchsafed special illumination or inspiration, or took action of decisive importance for the further history of the human race. Judged by the extent and profundity of the influence it has exerted on the fate of mankind, the life of Vladimir Ilyich Ulyanov (Lenin) is one long series of such decisive moments. His name is familiar to countless millions of people. His teachings may be rejected; they cannot be ignored. The arguments to which his name, ideas and work have given rise have gone on unceasingly—as is evident with the approach of the celebrations which will be held to mark the hundredth anniversary of his birth on April 22, 1970.

Lenin continues to live on in his ideas, as put into practice by generations of his disciples. The corpus of theory left by him remains at the centre of the 20th century's ideological contentions. Lenin, in fact, occupies a unique place among the social thinkers of mankind.

From time immemorial, the world's profoundest minds had been exercised by the search for some way to bring about a happy society. They were able to offer nothing but dreams—however brilliant—utopias or prophecy. The first thinker to offer a scientific forecast of the future, based on an exhaustive scrutiny of the facts, and to accompany it with illuminating theoretical reflections—the first man to provide a convincing account of the laws by which contemporary society is governed—was Karl Marx.

Lenin considered himself a disciple of Marx, and like him devoted his life to the search for ways and means whereby mankind might be freed from poverty, oppression and suffering. He brought the whole force of a powerful intellect to bear on the task of "conceiving the social revolution as a living phenomenon," as he put it. His intellectual legacy is a demonstration—on philosophical, economic, and sociological

grounds—that mankind can, and indeed must, take the socialist road. Hundreds of millions of people in all parts of the world have found, in his ideas, an answer to the burning questions of the age. A whole revolutionary epoch is bound up with Lenin and his activities. It is distinguished from all others in that socialism became a matter of action instead of a question of theory. It was Lenin, the great thinker and orator, who led the process whereby socialism was translated from the language of ideas into the language of mass action.

We may agree or not with Lenin's conception of socialism. But nobody can deny the close connection between his theories and his policies—policies still being developed by the Party and State he created. The very fact that these ideas are no less active today in changing the lives of millions of people, and constitute a mine which is still being quarried, gives Lenin's ideological legacy a place all its own in the world's treasury of social thinking.

Lenin's vision of social progress is inseparably bound up with an assertion of the need for a Socialist reconstruction of society. Recently, for example, there has been a tendency to judge a country's general progress by industrial and technological criteria. The technical level is, of course, an important factor. But a country highly developed technically may not necessarily be equally highly developed in its social institutions. This criterion by itself, therefore, provides no answer to the questions—for what purposes, and in whose interests, are advanced technological procedures being used? To what extent does modern technology insure the full employment of the labor force available?

Very frequently, too, output is taken as the principal yardstick for measuring social progress. But here again, output alone, and even output per head, does not tell us how the national wealth is apportioned, and what needs—and whose needs—are met.

Finally, it is sometimes argued that social progress is to be assessed by the degree to which people abide by the law. But once again we may legitimately ask: by what procedures and by whom has legislation been enacted, and in whose interest is it that the law should be observed?

Lenin devoted an entire lifetime to promoting the interests of the working class because he considered it the principal actor in history, by reference to which alone social progress can be assessed. What counts above all is the position actually occupied by the working masses within society.

After the successful October revolution the world was divided into two camps, each with its own system for regulating the relations between its members. For historical reasons the system of private enterprise continued in force for the time being in the countries most highly developed industrially. But in other, relatively less developed countries the masses seized the reins of power, did away with exploitation, and deliberately set about the task of regulating social relationships by means of planning of production. It may be that to some extent they were less free of the constraints of Nature but, in a social sense, they were infinitely freer—a convincing proof that progress cannot be measured by the criterion of technological advance alone. The need for a more fundamental explanation became apparent. It finally became clear that the degree of technical development attained was no more than a measure of the mastery of natural forces achieved by the society concerned; it could not be used to assess social development. Hence such a criterion can be, at best, an indirect indication of the freedom enjoyed by the individual.

We are entitled to talk of individual freedom only when man is not only free from

Footnotes at end of article.

the thrall of natural law but has achieved mastery over the laws governing the development of society. He is free only when he has tamed the forces which mold society; only when society exists first and foremost to promote the physical, cultural, esthetic, moral and political development of its individual members.

Lenin's preoccupation with social progress is borne out by the way in which he launched—and having launched, defended—the principle of peaceful coexistence of countries with different social systems. This is no accident. A moment's thought shows that a steady extension of the rights and privileges enjoyed by the workers, and improvement of both labor legislation and social policy can best come about in the favorable atmosphere of peaceful coexistence, when countries develop their relations in practical matters. Lenin stated a number of times that there was no reason why a Socialist country should not have unlimited relations on practical matters with the capitalist countries.

Lenin's conception of peaceful coexistence presupposes competition between two very different systems in economic, social, scientific and cultural affairs, and on a struggle between ideas. Lenin attached high value to a policy of peace as an essential prerequisite of all-around progress (and, we might add, of fruitful activity by the ILO)—a very different thing from policies of armaments and war, leading to the uprooting of whole peoples, the destruction of millions of human lives, the collapse of production, economic bankruptcy, and moral and cultural decay.

A country's social policy, its social and labor legislation, provide an excellent pointer to the degree of social progress achieved. In the last resort, social progress is to be measured by the extent to which the workers themselves can profit from the fruits of their labor. But in judging how far they can profit today from the fruits of earlier labor, we cannot leave out of account the general policy of the state. For example, if the government of country A devotes a proportion of the country's wealth to waging war on the people of country B, it will be depriving its own people of some of the fruits of their labor. No matter how wealthy country A may be, its social policy cannot be considered progressive.

#### LENIN OF NEW POSSIBILITIES OF SOCIAL PROGRESS

From the end of the 18th century, it became natural to regard radical social changes in terms of the French Revolution, and the Russian Bolsheviks, beginning with Lenin, were also for a time regarded as Jacobin extremists.

However, the tradition thus established lost its point with the October Revolution of 1917. "I am becoming more and more convinced," wrote the poet Alexander Bloch, a contemporary of Lenin, in 1920, "that the comparison is inadequate. To judge today's events by this criterion is to show excessive caution, even pusillanimity. It is becoming ever more apparent that the times we are living in represent, not an epoch of transition, but a new era."

This was the judgment of an eyewitness, and history has more than confirmed its justice. The Russian Revolution was incomparably more far-reaching and radical than any of its predecessors.

During the early years of the Soviet regime, the social system introduced by Lenin was looked on by many people (even by many who called themselves Socialists) as the bastard child, as it were, of history. The reason usually given was that industrially, socially, and culturally, Russia lagged behind Europe and North America, and hence was not yet

ripe for socialism. There were at least two flaws in this analysis.

Firstly, it made no allowance for the fact that in the 20th century, among countries unequally developed, the working class and the working-class movement in any particular country may well be ripe for socialism, even though capitalism in the country concerned may be at a relatively early stage of development.

At the beginning of the century Russia was, economically speaking, infinitely less advanced than England, Germany, or the United States. Nevertheless, as the historian Mikahil Pokrovsky—a party comrade of Lenin—pointed out, the concentration of the working class (and hence the scope for organization of the working class in huge enterprises) was three times greater in Russia than in Germany, and was not less than in any country of Europe, and perhaps of the world.

The critics of Lenin's experiment were also seriously at fault in that, although circumstances had radically changed, they were still obsessed with the lesson learned from other revolutions.

Even today it is sometimes asserted that the materialist interpretation of history has somehow been controverted by the October Revolution, indeed by Lenin himself. It is argued that economics does not determine politics but that politics may have a decisive influence on economics. This mistaken argument is the result of transposing what was characteristic of all previous social systems, including the capitalist one, to a period of transition from capitalism to socialism.

Any presocial social system was of course the product of economic developments within the country concerned. When the feudal system was collapsing, the bourgeoisie's potentialities for revolution, in England, America, and France, remained confined to those particular countries.

In today's capitalist society there is a worldwide market, and the position is vastly different. Today, as Lenin put it<sup>1</sup>, developed capitalism has entangled countries in a closely woven mesh of trade relations, with the result that the antagonisms between international capital and the international working-class movement are more evident than ever before.

Experience shows that in this day and age the possibilities of revolution must be assessed with an eye not only to the condition of the economy in any particular country but also to the forces of production as they exist throughout the world. Whence Lenin's classic conclusion: "To the extent that large-scale worldwide industry exists, a direct transition to socialism is undoubtedly possible."<sup>2</sup>

It is obvious that in any country in which this transition to socialism is taking place there must be a certain minimum level of technological development, a certain minimum as regards production of goods, market organization, and communications. But, as the experience acquired by our own and other lands has shown, a country can catch up after the revolution.

Thanks to Lenin, a purely local, national approach to such matters is, it is now recognized, much too narrow. The tendency today, in assessing the possibility of revolution, is to consider conditions in the capitalist system as it exists throughout the world. The approach, in other words, is an international one.

Taking the world as a whole, economics determines politics, though in the local conditions of a particular country politics may for a time take precedence and direct and speed up economic development. By showing that this is now the only tenable view, Lenin

powerfully contributed to our understanding of the way in which social progress is achieved.

Why should this be so? This question can best be answered by quoting the example of countries which have rid themselves of their dependence on colonialist powers and moved from precapitalism to socialism without any intermediate capitalist phase.

Is it conceivable, for example, that before the October Revolution a country as backward as Mongolia used to be could have set out to organize itself on socialist lines, relying entirely on its own resources? The answer, clearly, is no. Mongolia was one or two stages behind its neighbors, or the equivalent of several hundred years of social development.

We now know that this tremendous advance was accomplished thanks to the association of Mongolia (a member of the ILO) with the Soviet Union. It is impossible to calculate the vast savings in human lives, effort, physical, and mental resources, compared with what would have been needed for the stormy passage through feudalism and capitalism.

Clearly, the social relations obtaining within the country itself were far less important in the process than international relations of a new kind. The two factors interacted and were combined in a unique way to render a direct transition to socialism possible. This had never occurred before. Other peoples have remained arrested at an early stage of their development (or have been held back by colonialism); the gulf separating them from socialism cannot, under capitalism be closed. It can, however, be bridged by a system of economic, political, ideological, and cultural links with the developed socialist countries and by making use of the experience acquired by them in their own transition to socialism.

Lenin showed in theory, and the October Revolution bore him out, that any country, no matter what degree of economic development it may have attained, can make the change to the new socialist order. In some countries the relationship between the forces of progress and reaction, and the position occupied by the particular country in the clash between the two worldwide ideologies, have turned out to be the decisive factors determining when the transition is to be made, and not the country's own productive forces (the latter's role could temporarily be taken over by more highly developed international productive forces). This was a revolution not only for the contemporary world but also in the normal tempo of social progress.

This was, in a sense, a reorganization of history. A clearer idea of what it involved can be obtained from Lenin's note "On our Revolution."

His political adversary Sukhanov held the view that a Socialist revolution in Russia was premature, and that it ran counter to the laws of social development. Lenin counters this by denouncing a "slavish imitation of the past," and the fear "of departing from the example set by Germany."

"You say," he writes, "that a certain level of civilization is needed for the building of socialism. Well and good. But what was there to prevent us from laying the foundations, by expelling the landowners and Russian capitalists, for example, and then beginning the move toward socialism? Where it is laid down that such changes in the normal processes of history are inadmissible or impossible?"<sup>3</sup>

Abandoning the language of polemics for something more orthodox, we get the following picture.

The "normal" process of historical development (this is more or less how Sukhanov's teacher Kautsky saw it) began with the development of the forces of production (comprising the labor force, tools and equipment,

Footnotes at end of article.

and techniques). Then there came changes in technology and in the organization of production, as well as in the division of labor between people. Thereafter, as occurred in the changeover from communal production to a slave-owning society, from this to feudalism to capitalism, there were changes in the ownership of the means of production. Lastly, these changes were crowned by an ideological and political revolution.

Did the October Revolution indicate any departure from the customary scheme of things? No, if we consider merely the overall development of the forces of production, both national and international. Yes, most emphatically, if we consider the situation in each of the countries beginning to build a socialist society.

In what did the change consist? First, there was a change in the part played by the State. The government of a socialist country did not—as had occurred everywhere else—merely set the seal of approval on changes which had already taken place in the machinery of production; it itself initiated these changes, and helped to carry them through.

Second, although there were in Russia industries which technically and because of the way they were organized, were ripe for reorganization on socialist lines, there existed at the same time a host of one-man undertakings which had nothing in common with socialism, either technically, or organizationally, or by the nature of their economic relations. As a result of these factors the role of the new form of ownership changed. Thanks to systematic support from a government of peasants and workers, and from the more advanced industries already nationalized, this new form of ownership could emerge in areas where the technical prerequisites for its existence did not, strictly speaking, exist.

This is what happened, for example, during the early years of agricultural collectivization in the Soviet Union, when the primitive means of production (there were no others) owned by individual peasants were nationalized. Here the form of ownership came first, creating a state of affairs propitious to the emergence of productive forces. Since then, this has also been the experience of many other countries.

According to the normal scheme of things, the phase of public ownership would represent the third stage in development; it thus, in fact, became the first. By its very nature, public ownership, once introduced in the countryside, led to a development of its own technical and organizational foundations.

This foreshortening, as it were, of the processes of development had one immediate consequence: a multiplication of the possible forms which progressive social development might take. In practical, political terms this implied a widening of the sphere in which the revolutionary party and the revolutionary masses were free to take the initiative.

Lenin's solution to the problem of social progress can be understood only if we bear in mind what, in modern jargon, we might call the "optimization of social systems". This expression can, of course, be differently interpreted. For example, modern capitalism, based as it is on a mixture of state ownership and monopoly control, is likewise subject to a process of optimization for the sake of bigger profits. Socialism, on the other hand, claiming as it does to represent an alternative to capitalism, is designed to insure satisfaction of the scientifically determined interests of the main mass of working people.

Lenin taught that the aim of socialism—its very essence—lay in the transfer of the means of production to national ownership,

and in the replacement of capitalism by an economy planned in the national interest. It was incorrect, he felt, to say (as did the Russian social democrat George Plekhanov) that socialism was the planned organization of society's production process to meet the needs both of society as a whole and of its individual members. Lenin considered this too narrow a definition since trusts might be claimed to provide such an organization. "It would be better to say: . . . on behalf of society as a whole" (since this both covers the idea of planning and indicates the agency responsible for doing it), and not only for the satisfaction of the needs of the members of society but also to insure the maximum possible welfare, and the free all-round development of each and every member.<sup>6</sup>

Lenin, and those who were to succeed him, thought of socialism as a social system that seeks deliberately to improve itself with a view to meeting the workers' growing needs, both material and spiritual, in accordance with the laws governing social development, and making use of the resources available to society.

It would be vain to expect the passage from capitalism to this form of social organization to be automatic, or to imagine that it can be brought about by a lengthy process of reform. The barest acquaintance with socialism will suffice to show that it presupposes a qualitative change in the aims of production, a different organization of the economy and of all other aspects of the life of society. Most important of all, it presupposes a society organized to serve the interests of another class of person; no longer the private owner, whose interests must necessarily clash with those of the persons he employs, but the worker, who has acceded to co-ownership of the property of society. To bring about such a state of affairs demands nothing less than a revolution. It betokens a change in the protagonists involved.

The masses, and no longer a privileged caste, now occupy the forefront of the stage. It will be for each country to choose its own road (and the road may be hard) to this consummation.

Lenin, in fact, found a way of enlisting the scattered energies of many millions of individuals, hitherto condemned by capitalism to a dreary, unsatisfying round of mindless toil, in the cause of social progress. His concept of socialist competition is the natural fruit of a state of affairs, brought about by socialism, in which use can be made of the energies, freely made available for political, social and other purposes, by free workers, themselves imbued with a high sense of their obligation to work, individually and collectively, for the welfare of society at large.

"The workers and peasants," wrote Lenin in the early months of the Revolution, "are still 'timid'; they have not yet become accustomed to the idea that they are now the ruling class; they are not resolute enough. The Revolution could not at one stroke instill these qualities into millions and millions of people who all their lives had been compelled by want and hunger to work under the threat of the stick. But the revolution of October 1917 is strong, viable and invincible because it awakens these qualities, breaks down the old impediments, removes the wornout shackles, and leads the working people on the road of the independent creation of a new life."<sup>7</sup>

Despite every obstacle put in its way by opponents, socialism has been progressing for half a century—a convincing proof of the extraordinary capacity for progress inherent in the working masses. Theirs are the hands which are now guiding the ship of State in the world's second great power, and in many

other countries besides, resolutely toward the future. And their strength is increasing.

#### HOW LENIN'S IDEAS ARE EMBODIED IN SOVIET SOCIAL POLICIES

From Lenin's idea of progress arose an entire policy and program of social and labor legislation. He himself took the view that the Soviet regime had no more important task than to put this program into effect.

The October Revolution marked a very clear divide between a state of affairs in which the working class was powerless, and one in which it assumed governmental authority. *Before resolution*, the working class has to fight for its rights, step by step and inch by inch, wringing concessions from the opposing class forces. Clearly, it will be a very long time before anything is achieved by such methods and even then, the results will be extraordinarily circumscribed. *After resolution*, possession of the reins of power at once enables the workers to affirm their rights and to buttress them with all the safeguards which governmental authority can offer.

Lenin derived the basic contents of his party's social policy from the historic mission of socialism: "Let us make all people workers." This was proclaimed in article 18 of the first Soviet Constitution (1918) in the form: "He who does not work, neither shall he eat." Lenin considered that the most effective way of implementing this principle was to establish control by the workers themselves over the measurement of labour and consumption. He used to say that such a system was more effective than all the laws passed by the French Revolutionary Convention and its guillotine.<sup>8</sup>

By decreeing that work was an obligation for all, the Soviet social legislation created circumstances in which social parasitism and unemployment could be eradicated and the right to work guaranteed.

At the same time, on Lenin's initiative, a series of measures were drafted on the improvement of working conditions, starting on the fifth day of the October Revolution: an eight-hour working day was introduced by decree on November 11, 1917.<sup>9</sup> Ten years later, a manifesto issued by the Central Executive Committee of the USSR announced that a 7-hour day was to be introduced, and this was done between 1928 and 1931.

Simultaneously, the Soviet system of social security was developed. This included a system of unemployment allowances (maintained until the social evil of unemployment was eradicated early in the 1930s), benefits for temporary incapacity, pensions for invalidity, old age, paid holidays, etc. In this fashion, the country of the Soviets became, in the early days of the Revolution, the most progressive country in the world in regard to the principles proclaimed and the changes brought about in social and labour relations. This exerted a powerful influence on the struggle of the working class and on social legislation in many other countries.

These social innovations have to be seen against an international background which between the two world wars was becoming steadily more sombre. With the growing menace of invasion, every hour was precious, and in 1940 the 48-hour week was reintroduced. Plans to develop and improve the social security system had to wait.

It should not be forgotten that out of the half-century during which the Soviet regime has been in existence, some 20 years have been spent either fighting the wars imposed on us, or in ridding ourselves of their disastrous consequences. Nevertheless, the gross social product in 1968 was 36 times larger than it had been in 1913, while the national income was 40 times as great. The indices for 1960 are 7.1 and 7.5 times larger, respec-

Footnotes at end of article.

tively, than those for 1940.<sup>10</sup> As production and efficiency increase, so can the Soviet Union concentrate its efforts on the improvement of social and labour relations.

With the remarkable growth of the economy and national income, it became possible to improve the economic and social condition of the workers and to carry out a whole programme of social action, which has been especially intensive in the last decade and a half.

Thus, a law was adopted to reduce hours of work to six and seven a day, and the five-day working week was introduced. As a result, the average length of the standard working week for adult workers in industry is 40.7 hours. At present, in fact, the working week of wage earners and salaried employees is 39.4 hours.<sup>11</sup> It may not be amiss to recall in this connection that, of the forty ILO Conventions ratified by the Soviet Government, the first was that on the 40-hour working week. Since 1956 the system of hiring and wages, collective agreements and settlement of labour disputes has been continuously improved. By legislation enacted in 1956 and 1964, the pensions system was overhauled.

The decisions taken by the September 1967 plenary meeting of the Central Committee of the Communist Party of the U.S.S.R. were of special significance, being later developed in a series of laws and ordinances dealing with the improvement of living conditions. An ordinance of the Central Committee of the Party and the Council of Ministers, and decrees issued by the Presidium of the USSR Supreme Soviet provide for increased minimum wage and salary rates, reduction of taxes, the introduction of supplementary pay and advantages for those working in certain parts of the country, and an improved pensions system.

In social matters, it is government policy to bring about a general improvement in the standard of living of all working people, with special reference to conditions in the key industries and key areas of the country. The minimum wage has again been raised, with the result that the ratio between the minimum and the average wage improved from 1:2.9 in 1958 to 1:1.8 in 1968.<sup>12</sup> Scheduled wage rates for machine operators in the metal and engineering industries were increased by 15 percent, while wage increases have also been granted in those branches of the textile industry in which work processes have been intensified. Special action has been taken to make geographical mobility of labor more effective and to make life easier for workers moving to new areas (e.g. by increasing the wage differential for persons working in the Far North and Far East).

Lenin considered the health of the nation as an index of the growth of the national wealth. This concern for the health of the nation is still very much alive today, as is eloquently shown by the basic principles for health legislation adopted by the Seventh Session of the Supreme Soviet in December 1969. This new law lays down the following principle in article 1: "Soviet legislation regulates social relations in the field of health protection for the population with a view to ensuring the harmonious development of physical and mental powers, good health, a high level of fitness for work and a long active working life for citizens; the prevention of disease and lowering of morbidity, further reduction of invalidity and a lowering of mortality rates; elimination of factors and conditions which harmfully affect the health of the citizens."<sup>13</sup> Provision is made for a comprehensive system of standards regulating the organization and responsibilities of health bodies, medical and pharmaceutical activities, public health measures, and so forth.

Lenin used to say that the position of women in a society was the clearest indication of its social progress. In this spirit the leaders of the country are taking action to ease working and living conditions for women. The principle of equal pay for equal work is in operation, and heavy jobs on which women must not be employed have been officially listed. Maternity leave with pay has been increased to 112 days (56 before and 56 after childbirth). Part V of the law on basic principles for health legislation is entirely devoted to the protection which the State extends to mothers and children.

A third congress of collective farmers in Moscow toward the end of November 1969 adopted resolutions that represent a new step forward in improving remuneration, working conditions, leisure time and social security for tens of millions of people. The Model Statutes for Collective Farms, adopted by the congress, lay down that the cash proceeds from the sale of produce or from other sources are to be used by the farm "first and foremost, for paying the collective farmers for their work..." (article 38).

Part VIII of these statutes provides for a nation wide social security system for collective farmers. Article 39 reads: "In accordance with the legislation in force, members of collective farms shall receive old-age, invalidity and survivors' pensions, while women shall in addition be eligible for pregnancy and confinement grants—the cost to be borne by a centralised Union Collective Farmers' Social Security Fund." Article 40 further lays down that this centralised fund, constituted by contributions from all agricultural cooperatives, shall provide allowances for members during temporary incapacity, free passes for sanatoria and rest homes, and other services.

If it be acknowledged that social policy must be designed first and foremost for the benefit of the worker and for the satisfaction of his needs, then a point at which enough will have been done can never be reached, since needs (of all kinds, and not for material things alone), once satisfied, give rise to fresh, more complex and varied requirements. But at any particular time

further progress up the ladder will be brought to a stop by the resources available, themselves the fruit of the economic development the country has managed to achieve. The national income is the only source from which money for the above aims can be derived. Hence the need to speed up the rate of increase of the national income by developing the material and technical resources of society.

The truth of this thesis that increased expenditure on social needs depends on the growth of national income can be seen from the figures of total "personal consumption of the population of the U.S.S.R." (i.e. total of personal incomes) and of advantages for the working people provided from the resources available for "social consumption" (free medical care, free education and training for improving qualifications, allowances, pensions, study grants, paid regular leave, free passes or reduced rates for sanatoria and rest homes, and so on).

The rapid increase that has taken place since 1960 in the amounts for social benefits is striking. The chairman of the Gosplan observed at the seventh session of the Soviet parliament that the total figure had risen to 59,000 million rubles in 1969, and would exceed 63,000 million rubles in 1970.<sup>14</sup>

In Lenin's view the prospects of growth in the national wealth, gross product, and national income mainly depend on a steady increase in productivity. The whole subsequent development of the Soviet economy shows how true this is. Soviet economists have calculated that the national income rose from 4,170 million rubles in 1917 to 238,000 million in 1967, of which 227,600 million was attributable to growth in productivity.<sup>15</sup> All in all, there has been an annual growth in productivity over the last 50 years of at least 6-7 percent.<sup>16</sup>

But how is this high rate to be maintained or even increased? Lenin considered that the key to this problem was to be found in the application of technical and scientific innovations to the production process and in improving the workers' education and skills. Experience has proved his forecast correct. The well-known Soviet labor economist,

#### TOTAL PERSONAL CONSUMPTION AND TOTAL SOCIAL BENEFITS IN THE U.S.S.R. 1960 AND 1965-68

[In thousand million rubles]

Item	1960	1965	1966	1967	1968
Personal consumption (total)...	93.9	124.9	133.2	144.0	155.1
Social payments and services (total)...	27.3	41.9	45.5	49.4	55.1
Per head of population (rubles)...	127.0	182.0	195.0	209.0	232.0

Source: *Narodnoe khozyaistvo SSSR v 1968 g. Statistichesky ezhegodnik* (Moscow 1969) pp. 571-572.

Strumilin, has calculated that of the overall growth of productivity of social labor (227,600 million rubles from 1917 to 1967), 43,400 million rubles came from investments in new techniques, and 184,200 million were attributable to achievements in science and education.

It is thus no accident that the Government spends a large proportion of its resources in the field of education. In so doing, it is acting in accordance with the law discovered by Marx, namely that priority must be given to developing the means of production, a law which (unexpectedly for some Marxists) imperiously demands concentration of effort on those areas of the national economy which form the worker's personality. Here the principal aim of economic policy is at one with the basic aim of social policy: to develop a new kind of wage or salary earner, with a comprehensive grounding in modern scientific knowledge, as a means of stimulating increased productivity, rendering working conditions more

humane, and furthering human social and cultural development.

Lenin's social program can be summed up by saying that the worker is at once the artisan and the criterion of progress.

#### FOOTNOTES

<sup>1</sup> Doctor of Economics, Professor, Department of Political Economy, Faculty of Economics, Moscow State University.

<sup>2</sup> Senior scientific collaborator, Faculty of Philosophy, Moscow State University.

<sup>3</sup> V. I. Lenin: *Polnoe sobranie sochineniy [complete works]* (Moscow), vol. 25, p. 264.

<sup>4</sup> *Ibid.*, vol. 11, p. 310.

<sup>5</sup> *Polnoe sobranie sochineniy*, op. cit., vol. 45, p. 381.

<sup>6</sup> *Polnoe sobranie sochineniy*, op. cit., vol. 6, p. 232.

<sup>7</sup> Lenin: *Selected works in three volumes (in English)* (Moscow, 1967), vol. II, p. 514.

<sup>8</sup> *Polnoe sobranie sochineniy*, op. cit., vol. 34, p. 310.

<sup>9</sup> *Sobranie Uzakoneny RSFSR*, 1917, p. 10.

<sup>10</sup> *Narodnoe khozyaistvo SSSR v 1968 g.*

Statistichesky ezhegodnik (Moscow, 1969), pp. 43-44.

<sup>11</sup> Narodnoe khozyaistvo SSSR v 1968 g., op. cit., p. 557.

<sup>12</sup> Problemy trudovogo prava (Moscow, 1968), p. 17.

<sup>13</sup> Pravda, Dec. 20, 1969.

<sup>14</sup> Pravda, Dec. 17, 1969.

<sup>15</sup> Voprosy ekonomiki, 1969, No. 11, p. 71.

<sup>16</sup> Voprosy ekonomiki, 1969, No. 11, p. 72.

Mr. McCLELLAN. Mr. President, Mr. Meany goes on to say:

This annual conference is used as a sounding board for Soviet propaganda against the United States, as I say. The Resolutions Committee is now, and for some years has been, engaged in political discussions which are completely outside the competence of the ILO. In fact, the ILO rapidly is becoming a political organization, and I don't think that we need another political organization. We have a political organization worldwide, the United Nations, in which our country holds membership.

The Soviet group is demanding that the whole structure be changed. When this organization was set up there was automatic membership on the governing body to the top industrial countries of the world on the theory that these were the countries which would have to make a contribution if we were to improve the standards of life in the so-called backward countries of the world.

The Soviets want to eliminate that. They want to eliminate the selection of ILO officials by the governing body where this automatic membership prevails, and they want to throw them into the general assembly of the ILO on the basis of one nation—one vote, which means that the United States of America would be on a par with Kenya, Togo, and any of these newly emerging nations. This, of course, is further evidence of the Soviet desire to gain control of the ILO completely. They certainly have tremendous influence.

The United States of America today is in a minority position in the ILO. The Soviets' propaganda has been quite effective with some of the newly emerging nations. To give you an indication of the double standard, under the ILO procedure, when any national member of the ILO feels that he should have representation on the staff by putting employees in, the rule has always been that they submit a list of candidates for any particular spot with their qualifications. Then they are looked over and the ILO office makes the decision.

The Russians never have accepted that. They have the special privilege of submitting one candidate for any position to which they aspire, and there is no right of the Office to question the capability of that particular candidate.

Mr. McCLELLAN. Under the next title, he says:

In this instance, Mr. Jenks, who just has been elected as the Director General of the ILO, announced that he was going to appoint a Russian representative. He made it quite clear that he was going to follow the usual procedure of getting only one candidate, and that candidate would be appointed.

Mr. Meany points out here how the United States and other countries are discriminated against. They have to submit a number of candidates, and then let the President of the ILO make the selection. But Russia refuses to do it. She is getting preferred treatment. She only has to submit one, and that one, whoever he is, is selected and appointed.

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

Mr. McCLELLAN. I yield.

Mr. HOLLAND. The statement shows that not only does our country have to submit a list to the Director General, but that if he does not approve anyone on that list, he can select someone on his own as representative of the United States, not selected by our country.

Mr. McCLELLAN. The Senator is correct. That is not the way we ought to permit the United States to be treated. We will never command worldwide respect from other countries, and certainly not from the Soviet Union, as long as we let them bully us like that, and then have us foot the bill. I am not going for it. It ought to be stopped.

Mr. Meany says further, Mr. President:

I will tell you the basis of Mr. Jenks' strategy or approach. It is that if the ILO wants the Soviet Union to remain in membership we have got to accept them on the basis they represent themselves and the ILO has nothing to say about it. If the United States of America objects, then he raises the question—does the United States of America want the U.S.S.R. to maintain membership, to continue its membership in the ILO, and if we do want them to continue their membership in the ILO then we must accept them the way they want to be accepted, on the basis of this double standard.

Mr. President, I do not know why we should submit ourselves to double standards just because Russia says she wants it that way. As the distinguished Senator from Kentucky pointed out, we are paying 25 percent of all of the cost. And, Mr. President, they have some 1,700 or 1,800 employees in that organization. Although we pay 25 percent of the cost, we have only 4 percent-plus of American personnel. We are getting a good rooking over there, and it is time to stop it.

We are not withdrawing from the organization, but we are saying to that organization and to Russia and the Communist bloc countries, "We are going to be treated equally, or we are not going to pay."

What else do you want us to say? Do you want us to surrender to that kind of international bullying? Of course that is what it is. Let us stop it. Let us stand on our American character and principle, and demand that which is right, no more and no less.

Mr. HRUSKA. Mr. President, will the Senator yield me 2 minutes?

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, this matter had been very carefully and thoroughly considered by the full Appropriations Committee. The consideration and the study of the committee were given to the additional testimony of the International Labor Organization at hearings that were held by the Appropriations Subcommittee in the other body on this subject. The date of the hearing was July 31, 1970. After a thorough study and thorough discussion and debate of this point, the committee decided by a vote of 21 to 2 in favor of the amendment which is now being debated.

It is my hope that this amendment will be agreed to and that it will be fully and very decidedly favored by the vote to be taken shortly by this body.

Mr. HOLLAND. Mr. President, will the Senator yield me 2 minutes?

Mr. McCLELLAN. I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I hope that the action of the committee, carefully taken, will be sustained.

Senators will note on page 5 of the report of the committee that this action by no means presents itself as a removal or withdrawal of this country from the ILO. Our committee well knew that we had no such authority, but we felt that we should not longer proceed to pay a major portion of the expenses of this organization, which had turned itself into one that was so un-American as to bring upon it the diatribes—and they were truly stated here by Mr. Meany in his testimony.

If Senators will look at the committee report, they will find these words:

The committee recommends that the proper legislative committee review the continued participation of the United States in this organization.

Mr. President, this was nothing but a premonitory warning of the committee to show that we resented the kind of treatment being given to our country, that we believed the statements made by the leader of organized labor and by other business representatives who made exactly the same report to us, and that we felt it would be a very weak thing for us to continue to recommend a major appropriation to this organization without showing any resentment and without indicating that our country might, when the proper legislative committee studied the matter, decide that this country had no further business continuing in this organization. But this action today is not such final action and does not pretend so to be. It is a warning as to how this country feels.

Mr. McCLELLAN. Mr. President, earlier I mentioned 4 percent. As of June 30, 1970, the ILO professional staff subject to international recruitment totaled 607, of whom 60 were Americans. The professional staff totaled 1,377, of whom 21 were Americans. All other staff, which includes technical assistance personnel in the field, totaled 1,088, of whom 62 were Americans.

With this money, we are paying substantially 25 percent of the cost of this organization. Mr. Meany says:

If we cut this money out, it would mean that a certain percentage, at least several hundred of these employees, would be under the direct supervision and domination of this man, and I can tell you from long experience that he will use that position to make each and every employee a communist agent—

We are paying for it—whether he wants to be or not. They do not fool around.

They don't acquire power that they put on the back burner.

They use it. To us this would mean it would be disaster for the ILO, and if this happens it presents to us the clear question of whether or not we want to pay the price that is exacted from us to maintain the ILO with the Soviet Union having these special privileges as a member of the organization.

That, of course, Mr. Chairman, puts the matter squarely in the hands of the Congress and this committee—whether we are so an-

ious to keep the Soviet Union in the ILO that we are willing to pay this price of accepting the double standard in which they have a preferential members—and which Mr. Jenks indicates he is going to continue.

That is the issue.

I heard arguments in this Chamber earlier on another issue to the effect that people did not have much to do and therefore we could save \$400,000. Nine times that amount is involved here. They were doing no harm, if they had nothing to do. Here we are spending this money doing harm to ourselves. We are financing propaganda that is highly detrimental to the United States, and we are accepting the indignity of a double standard and are told to like it. I do not like it, and I am not going to vote one dime to continue that kind of practice, that kind of mistreatment of my government and of my country, in an organization dedicated in this respect to helping laboring people all over the world, when a great leader of organization in America denounces it and says that it no longer helps labor but has become a propaganda machine against the ideals and principles for which America stands.

I will not vote for it.

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

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

The PRESIDING OFFICER. The Senator from Arkansas has 14 minutes remaining.

Mr. McCLELLAN. I yield 5 minutes to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I rise in support of the position of the chairman of the subcommittee on this matter. Every word he has spoken is true.

I, personally, first became involved in this matter in 1962, when I was a delegate to the United Nations, under the appointment of President Kennedy. I saw many of the questions that are raised in the hearings here—I saw them arising at that time. I saw them occurring in the United Nations. I raised the questions, the questions that are raised here; but, unfortunately, there were few who felt that way at that time.

I am happy that Mr. Meany and the AFL-CIO have seen this matter in this light. On page 4 of the hearing, Mr. Meany said:

Oh, yes. They were in it—

That is, the ILO—

When it was part of the League of Nations. However, they applied in 1953, but applied with reservations—that certain sections of the constitution should not apply to the Soviet Union. For instance, ILO decisions are appealable to the World Court at the Hague, and the Soviets said they could not accept that. So the ILO said they could not accept the Soviets into membership.

A year later, however, the Soviets decided that they would accept membership in the ILO and pledge themselves to abide by the constitution.

When they came in they came in, of course, with delegates supposedly representing employers and delegates supposedly representing workers. Delegations were accepted on that basis even though everybody in attendance at ILO conferences knew there was no such thing as private employers in the Soviet Union, and there was no such thing as free trade unions in the normal sense in the Soviet Union. Of course, this is still true.

In the Soviet Union they have what they call trade unions but actually these so-called trade unions are agencies of government.

Later in the same hearing, he points out and introduces into the record a statement by Prof. Vela M. Carlos of Catholic University at Quito, Ecuador. In that statement, he says this:

Location and characteristics of the problem: Theoretically, neither employers "nor workers" organizations exist. The government is the sole employer. And unions, under the dictatorship of the proletariat, are either agencies of the government or the government itself.

Then I think we should pay particular attention to the words of Mr. Neilan on page 67. He said:

I would hope, sir, you might look at the UNDP, UNESCO, UNIDO, because they are using a lot of their funds to promote Communist doctrine via the ILO as the executing agency because the ILO gets \$16 to \$20 million a year from these agencies for special projects, a great number of which are held within the Soviet Union or satellite bloc and to which no one is invited except developing countries, to allow them to pursue this propaganda at home.

He continues, later:

Unfortunately, we have not been in a position to go against this doctrine they have been espousing so that many of the developing nations now have accepted this more or less as a fact, that Uncle Sam is just foolish enough to let us have all the money, we can do pretty much as we please. This has been particularly evident this last year when they persuaded the Arabs and Africans to lead in a fight, and they got the South Americans in on it, to take away from the 10 states of chief industrial importance their rights with respect to amendments to the ILO Constitution. And this effort has been concerted. They have also proposed to the office that when this item comes up next June that the committee to consider it should be an open committee, that is, stacked by the Russians and their friends, all of whom will apply for membership on it.

Mr. President, I am very happy that this matter has been crystallized by the leader of the greatest and biggest trade union organization in the country, because those of us who have been to some of the conferences in the past know that the idealistic concepts under which the ILO was organized and formulated no longer exists, that they have, in fact, become merely propaganda boards for the Russians and their satellites.

It was for this reason, with full knowledge, as the Senator from Florida said, that we cannot withdraw by this committee action from the ILO, that I supported the position of the committee to strike these funds from this particular bill. I sincerely hope that that certainly is struck because I do not believe we can continue to be so foolish as we have been in the past in these many organizations which have merely become tools of the Soviets in which they use them solely for the propagation of Communist doctrine and solely for the purposes of solidifying the Communist and emerging nations against us.

Mr. President, I yield back to the Senator any time I have and thank him very much for yielding to me.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, I am not acquainted with the specific facts which have brought this matter into issue but, as I understand it, it is a question of whether the United States shall pay its dues to the ILO, an organization of the United Nations.

I have listened to the argument that the United States and other members are subjected to Soviet propaganda in the ILO. I have no doubt that this organization, as are other subsidiary organizations of the United Nations, is used as a sounding board by the Soviet Union for propaganda purposes.

I have served four times as a delegate to the United Nations, in the fifth, the sixth, the seventh sessions, and again 2 years ago.

In every one of those sessions, one had to listen in committee and in the General Assembly, to the propaganda of Soviet delegates and to many false statements about the United States. But it was recognized as such by most members of the United Nations. As the Senator from New York has said, the United States and its delegates have the opportunity to answer in the ILO, and to speak affirmatively of our policies before its members. It is a matter of pride that U.S. delegates answer with facts and with argument, and do not attempt to match the policies of the Soviet Union.

Two years ago, when I happened to be a member, the Soviet Union had the hypocrisy to attempt to lay down a definition of aggression when only a few months before it had invaded Czechoslovakia.

I had the opportunity to call that to the attention of the committee and the General Assembly. A great strength of the United States which stands out against the propaganda of the Soviets, in the United Nations and in the ILO is the fact that the United States lives up to its obligations, and it pays its debts.

I would hate to see the Senate today enter upon a course of repudiation of its due, to the detriment of this great country.

I support the position of the Senator from New York.

Mr. JAVITS. I am very grateful to my colleague from Kentucky.

Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. PELL). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, every argument we have heard can be equally directed to pulling out of the United Nations and every agency of the United Nations. We are denounced at every one of them. But we also denounce the Soviet Union at every one of them. Let that not be forgotten. If we should go further, and I should be a delegate to the United Nations this year, I assure my colleagues that I shall not be sparing in my criticism, nor will any other Senate delegate.

It is interesting to me that the document submitted by the Senator from Kentucky (Mr. COOPER) itself is the best argument why we should defeat the committee amendment, because it shows that the Soviet Union is not in default in

terms of its dues to the ILO. On the contrary, it is up to date.

Indeed, it is the United States that is in some technical default, that is, to the extent of most of the \$5 million because we operate at the end of 1970 instead of 1969.

But what is being argued for is that we should be like Afghanistan, Bolivia, Burundi, Cuba, the Dominican Republic, and other countries. That would be our company, Mr. President, as to those who do not pay their bills. I think that that would be the worst thing for the United States to do, to cut and run like that.

Now, Mr. President, it has been said by one of the speakers to sustain the committee's position that this is a warning that we would be making.

Mr. President, I believe that it would be abdication we would be making, that the United States of America refuses to pay an honest debt for dues. Because it cannot stand the gaff, the United States is abdicating its responsibility as a leading Nation in the world, because it is afraid to face criticism.

Well, Mr. President, we are not afraid to face criticism in this country regardless of what happens on this vote. I will say that myself, although I am on the other side, no matter what happens on the vote. We know the temper of America. But what concerns me is the principle we are adopting. This is a big principle in international law. If we are going to fight the battle for freedom in the world, we must do it in every forum that is open to us.

Have we grown tired and discouraged? Is it that we do not want to take a beating anymore? Do we want to quit?

The Senator from Arkansas (Mr. McCLELLAN) said a great thing when we had this colloquy about the amendment. He said:

I may be a little older than you, but I am ready to stand up and fight.

That is my argument.

Mr. McCLELLAN. I am going to fight on the basis of facts. I am not going to let them bully me.

Mr. JAVITS. I do not believe we are going to let the Russians bully us. Russia has its way of trying to make a dent in the international scene. We have ours. I am not for abdicating our place upon that scene, or our power or our influence in respect to it. When a great Nation like ours refuses to pay its dues to an organization to which it belongs, it is abdicating, not protesting.

Thus, I believe that the Senate should express itself before we take any such step as this which will be harmful to us.

Mr. CASE. Mr. President, will the Senator from New York yield?

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

The PRESIDING OFFICER (Mr. PELL). Three minutes remain to the Senator from New York, and 9 minutes to the Senator from Arkansas.

Mr. JAVITS. I yield 2 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. I shall not get into the

substantive question which has been so well covered by the Senator from New York and underscored by the Senator from Kentucky.

But I do want to tell the distinguished Senator from New York, to his face, that he has performed in eloquent fashion this afternoon and has rendered a very great public service to the Senate and the country.

Mr. JAVITS. I thank the Senator from New Jersey. Will he yield back the remainder of his time?

Mr. CASE. I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I think we have just 1 1/2 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. McCLELLAN. I want merely to call attention to the fact that I have not heard a suggestion yet from anyone as to how we can correct the mistreatment, the discrimination that is being imposed on us, and imposed on us so insultingly—as Mr. Meany said, “an insult to our Nation.” I have not heard one suggestion of how we could stop that. We talk about fighting. What do we fight? Do we fight the wind and keep pouring in money and keep talking?

They will understand what we mean when we cut off this money from some campaigns.

As long as we talk about believing in right and that this organization ought to go on and that we should let Russia dominate it while we foot most of the bill, we will continue to get this treatment.

We are not withdrawing. We are simply saying, “Until you straighten out and give us an equal voice with Russia in your treatment of us, we will not pay the money.”

We have 2 years and they have 2 years in which to make up their minds about whether they are going to give us proper treatment and put this on the right track and respect America for what she is.

They have 2 years, and we have 2 years in which to decide whether we want to get out.

Until we do something affirmatively and let them know it and let the rest of the nations know from whom they are getting most of the money, we are going to continue to get the treatment we are getting now.

It is an abomination in my judgment in relationships between nations dedicated to one purpose and one high objective.

We do not have any right to be treated that way. We are not meeting our responsibility to America. We are not defending our country or defending her as she should be defended, as we supinely pour this money in there and take this sort of treatment from Russia or any one else.

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

Mr. McCLELLAN. I yield 1 minute to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it has been suggested that we, by this action, would be cutting and running. I can think of no one who is running. We are cutting, but it is better to cut in this instance than to pay and to be forced to accept the humiliation and the inequality which we are suffering.

Mr. McCLELLAN. Mr. President, it is a lot better not to pay than to pay and get cut. Talk about cutting and running, we are getting cut when we pay. We are cutting our own throats.

Mr. HRUSKA. Mr. President, in his testimony, Mr. Neilan testified, speaking to the chairman of the House subcommittee:

I would hope, sir, you might look at the UNDP, UNESCO, UNIDO, because they are using a lot of the funds to promote Communist doctrine via the ILO as the executing agency because the ILO gets \$16 to \$20 million a year from these agencies for special projects, a great number of which are held within the Soviet Union or satellite bloc and to which no one is invited except developing countries to allow them to pursue this propaganda at home.

When we cut, we are not cutting and running. We are cutting and fighting. That is a lot better than paying and being forced to accept the humiliation, the inequity, the actual damage and degradation we have faced.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, the atmosphere in which we would be legislating if we sustained this position is evidenced by a colloquy between Mr. ROONEY and Mr. Meany on page 59 of the House subcommittee hearings.

It reads as follows:

Mr. ROONEY. Mr. Jenks must be made to realize that he would be better off to lose the 10 percent, the Soviet Union contribution than the 25 percent contribution of the United States of America.

Mr. MEANY. Except that he just doesn't believe the United States will act.

Mr. ROONEY. Well, let's show him.

We talk about bullying, and we run out of international organizations because we do not like what they do. This is the way to dismember the world. If we follow this principle, we will belong to nothing. We will be attacked in this revolutionary world. The Russians will belong to nothing.

I say that this is a bad precedent and I hope that the committee amendment is rejected.

Mr. McCLELLAN. Mr. President, I note from the hearings that Mr. Meany is supported in his position by Mr. Ed Neilan, a delegate to the ILO for a number of years. His testimony is in the hearings.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received today from Mr. William B. Macomber, Jr., Deputy Under Secretary of State for Administration.

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

DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION,  
Washington, August 24, 1970.  
Hon. JOHN L. McCLELLAN,  
Chairman, Subcommittee on Appropriations,  
U.S. Senate.

DEAR MR. CHAIRMAN: The Senate Committee on Appropriations has recommended a cut in the appropriation of the Department of State which would result in the United States not meeting its financial obligations under the Constitution of the International Labor Organization.

Serious legal consequences will follow on non-payment of the United States assessments if such a recommendation is adopted. The Constitution of the I.L.O. was approved by the Congress by Joint Resolution on June 30, 1948, and consequently has the effect of a treaty. Article 13 of the Constitution empowers the General Conference of the I.L.O. to create legally binding financial obligations on Member States by levying assessments for the expenses of the I.L.O. Paragraph 3 of Article 13 states:

"The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2(c) of this article."

It is therefore clear that the United States has undertaken an international legal duty to pay the share of the budget that has been voted by the I.L.O. General Conference and that we would be in violation of that obligation if we did not pay our full assessment.

As you know, the United States has always stood at the forefront of those who have insisted on the necessity of nations to fulfill their legal duty to pay obligatory dues in international organizations. And principally at the urging of the United States, the International Court of Justice made a ruling in the 1962 United Nations Assessments Case favorable to our position.

Non-payment of our dues to the I.L.O. could, of course, lead to the question being raised again in the International Court of Justice.

Moreover, aside from broader foreign policy implications, failure to pay our obligatory assessment would seriously weaken the ability of the United States to exert influence within the organization.

Yours sincerely,

WILLIAM B. MACOMBER, JR.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, a vote "nay" is a vote to restore the House figure.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And a vote "yea" is a vote to reduce the House figure by the amendment made by the Senate committee.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Mr. President, a vote "yea" is a vote to sustain the committee.

The PRESIDING OFFICER. The Senator is correct.

All time having expired, the question is on agreeing to the committee amendment on page 5, line 13. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll. Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator

from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce the Senator from Rhode Island (Mr. PASTORE) is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 49, nays 22, as follows:

[No. 268 Leg.]

YEAS—49

Allen	Fannin	Moss
Allott	Gurney	Muskie
Anderson	Hansen	Percy
Bayh	Hart	Prouty
Bellmon	Hartke	Proxmire
Bennett	Holland	Schweiker
Bible	Hollings	Smith, Ill.
Boggs	Hruska	Sparkman
Burdick	Jordan, N.C.	Stennis
Byrd, Va.	Jordan, Idaho	Talmadge
Byrd, W. Va.	Long	Thurmond
Cook	Magnuson	Tower
Curtis	Mansfield	Tydings
Dominick	McClellan	Williams, Del.
Eastland	McGee	Young, N. Dak.
Ellender	McIntyre	
Ervin	Miller	

NAYS—22

Brooke	Griffin	Nelson
Case	Harris	Packwood
Church	Hatfield	Pell
Cooper	Hughes	Randolph
Cranston	Javits	Ribicoff
Fong	Mathias	Yarborough
Fulbright	McCarthy	
Goodell	Mondale	

NOT VOTING—29

Aiken	Inouye	Russell
Baker	Jackson	Saxbe
Cannon	Kennedy	Scott
Cotton	McGovern	Smith, Maine
Dodd	Metcalfe	Sppong
Dole	Montoya	Stevens
Eagleton	Mundt	Symington
Goldwater	Murphy	Williams, N.J.
Gore	Pastore	Young, Ohio
Gravel	Pearson	

So the committee amendment was agreed to, as follows:

On page 5, line 13, after the word "Congress," strike out "\$144,611,000" and insert "\$140,911,000".

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. GOODELL. Mr. President, I send an amendment to the desk, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

It is proposed by the Senator from New York, on page 19, line 20, to strike out "\$22,350,000" and insert in lieu thereof "\$26,155,000."

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

Mr. GOODELL. I yield.

Mr. MANSFIELD. Would it be possible to arrive at a time limitation on the pending amendment?

Mr. GOODELL. Yes.

I ask for the yeas and nays first.

The yeas and nays were ordered.

Mr. MANSFIELD. How much time would the Senator suggest?

Mr. GOODELL. I would be satisfied with 15 minutes on my side. I want equal time with the chairman.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on the pending amendment be limited to 30 minutes, to be divided equally between the distinguished Senator from New York (Mr. GOODELL) and the chairman of the subcommittee, the distinguished Senator from Arkansas (Mr. McCLELLAN).

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, could we ascertain how many Senators will be offering amendments?

Mr. HART. Mr. President, I intend to offer an amendment. I am not sure there will be a vote on it. It will be subject to a point of order.

Mr. JAVITS. Mr. President, I am considering offering an amendment. I may not offer it.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. GOODELL. Mr. President, I shall be quite brief. This is a simple and direct amendment.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. GOODELL. I am delighted to yield.

Mr. MANSFIELD. Mr. President, would the Senator allow the Senator from Mississippi to proceed for 5 minutes on a very important senatorial matter, without any of the time being taken out of the time allotted to him?

Mr. GOODELL. Yes.

## PRIVATE LEASED AUTOMOBILES

Mr. STENNIS. Mr. President, it has come to the attention of the Select Committee on Standards and Conduct that certain Senators and a Senate officer personally have leased an automobile from an automobile manufacturing company under special and favorable terms. At a recent meeting attended by all of the members, the committee received a report from its staff of the facts and circumstances of these leasing arrangements and decided that the matter was within the committee's responsibility. The committee was of a single mind in its views and conclusions which are presented by me as the chairman of the committee in this summary report to the Senate.

Under a promotional program of many years' standing, for purposes of display or visibility of their automobile products, the automobile companies have been leasing cars directly to well-known athletes, professional entertainers, and other prominent persons. More recently the program has included Senators, although one company has limited participation to the more senior Members.

From the facts available to us on the comparative costs of leasing identical automobiles under the same conditions of maintenance, insurance, and other factors, it appears that the price paid by a Senator is considerably less than that which would have to be paid by the ordinary person making the same type of lease.

Our committee found no evidence to suggest that these leases with Senators were a means for the automobile companies to exercise improper influence. Nor did we find any indication that the automobile companies or their representatives received any favorite treatment from Senators or assistants to Senators because of the favorable lease terms. Individual Members of the Senate who held leases talked very freely with committee members about the entire matter. We are confident that no favoritism either was given to or expected by the automobile companies.

The committee found that these leasing arrangements violated no law nor any Senate rule.

In the course of its inquiry the committee also found that one of the automobile companies made agreements with certain committees of the Senate for the leasing of automobiles for the personal use of certain members of those committees. The Senator who received the cars paid the price of the lease. No appropriated funds whatever were used for such payments.

The committee concluded unanimously that the reduced amounts paid by Senators and the Senate officer for automobiles which they privately leased were a favor which was not generally available to ordinary persons. But for the fact that they were Senators and a Senate officer, they probably would not have been offered such terms.

In addition, the practice of the one company of making an agreement directly with a Senate committee for the leasing of cars for the private use of Senators clearly is improper. A Senate

committee by itself does not have the authority to make such a contract, which in our opinion is void and unenforceable. Although these lease agreements do not bind the Senate or any of its committees, we believe this practice by the committees should be terminated at once.

After carefully considering the benefits and the implications of the leasing of cars to Senators, our committee makes the following advisory recommendation for the guidance of the various Senators involved: Existing private leases of automobiles to Senators at favorable rates should be terminated at or before the end of the current model year. These leases should not be renewed. In making private agreements in the future for the leasing of automobiles, Senators should not accept any favorable terms and conditions that are available to them only as Senators.

That report is signed by the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Minnesota (Mr. McCARTHY), the Senator from Idaho (Mr. JORDAN), the Senator from Georgia (Mr. TALMADGE), and its chairman, the Senator from Mississippi (Mr. STENNIS).

Mr. President, the Senator from Utah (Mr. BENNETT) is present. He is the vice chairman of the committee. He may have some remarks to make.

Mr. BENNETT. Mr. President, I have nothing to add to the statement of the committee, which has been carefully worked out and which, I think, represents a solution of this problem which is eminently fair.

The committee observes, and perhaps the RECORD should show, that there are certain lease arrangements which have been properly authorized by the Senate for the service of some of its senior officers, including the President pro tempore, the majority leader, the minority leader, and the Vice President; and these are not involved in the matter we have been discussing. We are discussing here only those automobiles which have been made available on a leased basis at a greatly reduced price to Members of the Senate as individuals, and not as officers of the Senate.

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

Mr. BENNETT. I yield.

Mr. MANSFIELD. Are those the only ones officially approved by the Senate, the ones the Senator has just mentioned?

Mr. BENNETT. As far as I know.

Mr. STENNIS. Mr. President, I thank the Senator from New York for yielding.

## DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND THE JUDICIARY APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 17575) 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.

Mr. GOODELL. Mr. President, the Senate Appropriations Committee has recommended the appropriation of \$22,350,000.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. How much time does the Senator from New York yield himself?

Mr. GOODELL. Ten minutes.

The Senate Appropriations Committee has recommended the appropriation of \$22,350,000 for buildings and expenses at the Federal Bureau of Prisons. That figure is \$550,000 more than the House approved, with the increment going toward the design of a specialized medical facility at Butner, N.C.

It was my feeling that the Bureau ought to be allocated \$26,155,000 as a minimum for buildings and facilities for fiscal year 1971. I therefore submit this amendment, which is approximately \$3.8 million over the Appropriations Committee amount; and, incidentally, it is less than the budgeted amount.

The Senate committee and the House committee have both stricken three major facilities requested by the Bureau of Prisons, which would total about \$3.8 million in cost. On August 5, I wrote to the distinguished Senator from Arkansas (Mr. McCLELLAN), the chairman of the subcommittee, recommending an increment of \$4.3 million in the buildings and facilities appropriation. I noted that the President had originally requested \$27,350,000 total, and that the Bureau was appealing for the additional \$4,355,000 after the House action.

I command the subcommittee for having recommended \$550,000 more than the House figure. That \$550,000 is to go for the planning and design of a medical facility at Butner, N.C. That facility could serve as a model psychiatric study, research, and treatment center, giving special attention to the causes and prevention of violent and aggressive behavior and drawing upon the resources of several nearby major universities. No such facility now exists in the United States, and no model exists for the utilization of psychiatric services in the correctional facility setting.

As recent events in New York have demonstrated, there is clearly a need for such a model. The Butner center could provide it, and I, therefore, recommended in my August 5 letter to Senator McCLELLAN that it be funded. I am grateful to the subcommittee for having responded to my suggestion.

Recently we had a crisis in the New York City prisons involving the Tombs, a correctional facility to detain individuals before trial. Such detention is a very major problem across the country, at the State and local levels. As those events in New York have demonstrated, there is a need for the Federal Government to take the leadership here. I have proposed an amendment, which is being considered in committee, to the LEA Act, which would provide a Federal grant-in-aid program for States building rehabilitation facilities. But here there is no opportunity to present such a major program.

There were three other facilities which I recommended that the subcommittee fund, and which it decided should not receive appropriations. It is these three facilities which I propose to fund under

my amendment, which would add \$3,805,000 for Bureau of Prisons facilities.

The first \$100,000 of the increment is to go to design a metropolitan correctional center in San Francisco, Calif. This would be a facility for Federal prisoners, aimed at relieving the severely overcrowded confinement facilities in San Francisco, an area where there are no State or local plans for prison construction. The center would incorporate community treatment programs, services to probationers and parolees, and diagnostic services to courts in the area.

The second and largest facility that has been deleted involves \$2,055,000 requested by the Bureau to design correctional facilities for women, to be located in the western part of the United States. The number of female prisoners in the Federal prison system is rising each year, and existing facilities for women are pitifully inadequate. The proposed center will be a model facility designed to meet the program needs of women offenders, through training and diagnostic procedures in ways not presently possible in existing traditional institutions.

The third item deleted by the committee involves \$650,000 requested to design a metropolitan correctional center in the Baltimore, Md. area. Similar to the San Francisco center, this project would provide a detention facility for unsentenced and sentenced Federal prisoners, and will include community treatment, probation and parole services. Like the other three, this facility will be a model and demonstration center.

These three facilities are deemed to be of the highest priority by the Federal Bureau of Prisons, and their costs have been calculated as part of a 10-year budget plan currently being drawn up by the Bureau at the request of the President. Certainly, the need for these projects is pressing, and I join with the Federal Bureau of Prisons in asking that you restore \$3,805,000 to the Bureau's appropriation.

Mr. President, we have a correctional crisis in this country. The Federal Government must take the lead. Certainly we must provide model facilities for the treatment of Federal prisoners. And I think we have even a greater responsibility, which we will debate in this body later, with reference to State and local facilities and the rehabilitation of prisoners, in an effective war on crime.

Mr. President, about 70 percent of the serious crimes in this country are committed by repeaters, recidivists; and we have literally one of the worst prison systems in the western world in terms of rehabilitation. We simply are not providing the money.

Recently an example came to my attention at Rikers Island, New York City, where they had reduced the recidivist rate from 70 percent to 23 percent through the use of a manpower development and training grant, training the inmates in skills they could use when they got out, and be assimilated into the economic system.

That grant was cut off; so now the recidivist rate is back up to 70 percent.

This is a poor way to fight crime. Pro-

viding an adequate prison system is critical in the war on crime, not to mention the humane requirements of providing adequate, decent facilities for those who have been convicted, and for their rehabilitation.

Mr. President, this is a simple amendment. It is within the budget. I know not why the committee deleted it, except that I know there are great fiscal pressures that have been brought to bear on all of us.

I think it is poor economy to cut this kind of money out of the program of the Bureau of Prisons, and I hope we can agree to restore it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, the Senator from New York is to be commended for proposing this amendment, and demonstrating thereby his great interest in the matter of prisons and correctional facilities. He has an understanding of the problem which is very real.

He was also instrumental, I might say, in the securing of that part of the budget for those three institutions included in the bill by the other body. That total included \$15 million for the New York detention headquarters, where very grave and serious conditions prevail today. I have interested myself, for a number of years now, in trying to get this step taken. Now it has finally been taken by the House. The same is true as to the West Coast Youth Center, for which a total of \$2,055,000 was allowed by the other body, and then \$500,000 for the second correctional center.

Four items remain in the budget for this purpose. One was the Butner facility, to which reference has been made, and the other three are in the pending amendment—namely, a correctional center for San Francisco, facilities for women in the western area, and a metropolitan correction center for Federal prisoners within the area around Washington.

In considering the appeal of the Department of Justice for those four items, the Appropriations Committee requested a statement of priority as among those four. The statement of priority led off with the item from Butner, N.C., the medical facility, and that was discussed earlier in this debate. However, when it came to the remainder of them, it was felt that a total of five of these facilities being allowed in the bill would be a reasonable allowance for this year for the purpose of construction.

Another element that led us to delete from the budget request the three facilities that are included in the pending amendment was this: Sites for those facilities have not yet been selected. There will be plenty of time to allow moneys for site acquisition and design in each of these instances after a little more specific information will be available.

A third factor was this: In the authorization bill for the Law Enforcement Assistance Administration is an

allowance presently of 25 percent of the overall allowance for it, for the purpose of title E in that authorization, and that has to do with prison reform, which includes the construction of facilities on a matching basis.

It was felt that those three reasons would be sufficient to warrant the elimination for the time being of the three items included in this amendment.

I want to concur most fully and enthusiastically with the conclusions of the Senator from New York that these three facilities are direly needed and are badly needed, and action should have been taken some time ago on them. But we feel that for the three reasons stated, they should not be included in the budget and in the appropriation bill at this time.

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

Mr. HRUSKA. I yield.

Mr. McCLELLAN. Of the three, I do not think anyone questions the need, but they do not even have the sites for them as yet, do they?

Mr. HRUSKA. That is correct.

Mr. McCLELLAN. In one place, they do not even know in what State they are going to locate it—just somewhere in the Midwest. I do not think anybody is going to oppose an appropriation whenever they say that they have the site and are ready to go. But I see no point in putting the money in here now. They put in the top priority. They have five of the eight facilities they requested in this bill. They do not have sites for the other three, and as to one of them, they do not even know in what State they are going to locate it.

We have supplemental appropriation bills coming along all the time, and the minute they get a site and say they are ready to start planning—I do not think they can plan it very well before they have a site—I do not think anyone will hesitate to appropriate the money for their needs. We have been pretty generous. We gave them what they said was the top priority.

Mr. HRUSKA. By way of further information on this, of the four items that were in the budget and not approved by the House, Butner was the only one in which a site existed and was approved. It had been donated by the State of North Carolina for that purpose.

Mr. McCLELLAN. They are ready to go.

Mr. HRUSKA. And they are ready to go.

It seemed to the committee that there was a differentiation between that item and the other three for which sites were not yet selected.

Mr. President, I reserve the remainder of my time.

Mr. GOODELL. Mr. President, I appreciate the assurances of the Senator from Arkansas and the Senator from Nebraska. They are interested in these facilities and they think they are important. I think the best way to indicate our feeling on this subject is to put the money in the budget, to put the money in the appropriations bill now.

The administration has budgeted these items. We want them to move forward now. If we delete the money for them, the planning inevitably will be held

back. We may be here next year with still no sites chosen.

I am certain they can move forward very quickly in site acquisition and construction if we put the money there. They have budgeted it. The Bureau of Prisons wants them. I do not think the Bureau of Prisons conceives that there is any problem in proceeding with construction of these facilities and with finding an appropriate site. As a matter of fact, I think that part of the problem here is that we keep going back and forth. The Bureau of Prisons wants assurances that they are going to get the money and that they can go ahead; and Congress says, "No, we're not going to put the money in until sites are chosen, until you have your full plans."

This is a very critical problem in our country, acknowledged and understood perhaps best of all by the chairman and the ranking minority member of this committee.

I think we should go forward now and let the administration know that we support their request; let the Bureau of Prisons know that we support their request, and that we will give them the money necessary to meet this problem and start having an enlightened rehabilitation program, some new model centers which will be of great use for our State and local prison authorities, and get it moving now, instead of quibbling back and forth about who has to come forward first with a plan and site acquisition or with appropriations.

I would urge, with all due deference to my esteemed colleagues, that the Senate move now to appropriate this money. That is the way we will begin to get action and get it very quickly.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. HRUSKA. Mr. President, with respect to the realization of the need for these facilities, I think we could go far beyond the great need for present facilities not only in the Federal system but also in the State system. In fact, the chairman of the subcommittee and the ranking minority member are so aware of this situation that we have taken pains to include in the law enforcement assistance administration bill very generous sums for this purpose—25 percent of the entire budget—the exact amount of which I do not remember. I would think that there would be a minimum of, say, \$100 million to \$150 million for that purpose statewide. So we do know what the situation actually is.

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

Mr. HRUSKA. I yield.

Mr. GOODELL. I appreciate what the Senator has said, and I strongly agree with the need for grants in aid through the Law Enforcement Assistance Act. I commend the Senator for his action, and I commend the subcommittee in that respect. Those are grants to the States. We are talking about the prime Federal responsibility with Federal prisons.

Mr. HRUSKA. That is correct.

Mr. GOODELL. We do have a situation in which we are contracting out, I think, some 30 of the female prison inmates to States. In many cases, the States

and localities do not have adequate facilities and the Federal Government does not have adequate facilities to take care of the youthful offenders who are lumped together with the others.

Mr. HRUSKA. If the Senator will permit me, I will make this statement. The reason for the reference to the law enforcement assistance administration authorization bill is to point to the awareness of the problem on the part of the chairman and the ranking minority member of this subcommittee.

As to the item being in the budget, I would gladly concede that that would be a most persuasive and irrefutable argument if we followed it as closely and strictly when the committee came out with an amount that was over the budget. But that does not happen. Time and again, this body has been guilty of going over that budget. I would think that a transgression under the budget would be put up with quite cheerfully, and it would be only a fraction of the great amounts that have been over the budget.

We are grateful for the budget including these items as submitted by the President. On the other hand, we have never abdicated our own independent judgment in the premises. We appreciate the recommendation, but we do feel that we should exercise this independent judgment; and in this case we are asking this body to approve the action and the judgment of the Appropriations Committee.

It is our hope that the amendment will be rejected.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. GOODELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PELL). All time on the amendment is now yielded back.

The question is on agreeing to the amendment of the Senator from New York (Mr. GOODELL).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE) is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) would each vote "nay."

On this vote, the Senator from Maryland (Mr. MATHIAS) is paired with the Senator from Kansas (Mr. PEARSON). If present and voting, the Senator from Maryland would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 27, nays 41, as follows:

[No. 269 Leg.]

YEAS—27

Bayh	Hart	Moss
Brooke	Hartke	Muskie
Burdick	Hatfield	Nelson
Case	Hughes	Packwood
Cooper	Javits	Percy
Cranston	Mansfield	Ribicoff
Goodell	McCarthy	Smith, Jr.
Griffin	McGee	Tydings
Harris	Mondale	

NAYS—41

Allen	Ellender	McIntyre
Allott	Ervin	Miller
Anderson	Fannin	Pell
Bellmon	Fong	Prouty
Bennett	Fulbright	Proxmire
Bible	Gurney	Randolph
Boggs	Hansen	Sparkman
Byrd, Va.	Holland	Stennis
Byrd, W. Va.	Hruska	Talmadge
Church	Jordan, N.C.	Thurmond
Cook	Jordan, Idaho	Tower
Curtis	Long	Williams, Del.
Dominick	Magnuson	Young, N. Dak.
Eastland	McClellan	

NOT VOTING—32

Aiken	Inouye	Russell
Baker	Jackson	Saxbe
Cannon	Kennedy	Scott
Cotton	Mathias	Smith, Maine
Dodd	McGovern	Spong
Dole	Metcalf	Stevens
Eagleton	Montoya	Symington
Goldwater	Mundt	Williams, N.J.
Gore	Murphy	Yarborough
Gravel	Pastore	Young, Ohio
Hollings	Pearson	

So Mr. GOODELL's amendment was rejected.

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

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

The motion to lay on the table was agreed to.

**ORDER FOR ADJOURNMENT TO 8:30 A.M. TOMORROW**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 tomorrow morning.

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

**ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW MORNING**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 15 minutes sometime in that period between 8:30 and 9 a.m. when the time starts running.

Mr. McCLELLAN. Mr. President, can committees meet tomorrow?

Mr. MANSFIELD. Yes.

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

**DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND THE JUDICIARY APPROPRIATIONS, 1971**

The Senate continued with the consideration of the bill (H.R. 17575) 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.

Mr. HART. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The Senate will be in order. The Chair cannot hear the Senator from Michigan. The Senate will be in order.

Mr. HART. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. HART) proposes an amendment as follows:

On page 20, line 10, strike out "\$480,000,000" and insert in lieu thereof "\$1,000,000,000".

Mr. President, the amendment would add \$520 million to the funds appropriated for the Law Enforcement Assistance Administration, the main Federal program in the fight against crime.

The cities of the Nation, testifying through the voices of several mayors, including the mayor of the city of Detroit, have urged that at least \$1 billion be appropriated for this program in fiscal year 1971. But the administration's budget request was less than one-half that amount, some \$480 million. The House appropriated that amount, and the Senate Appropriations Committee also reflects the Senate Appropriations Committee adoption of that budget request figure.

Mr. President, at this time the Subcommittee on Criminal Laws of the Committee on the Judiciary, under the able chairmanship of the Senator from Arkansas who is handling the pending

bill, is reviewing amendments to the Safe Streets Act, which presently includes no authorization for the Law Enforcement Assistance Administration for fiscal year 1971 or subsequent years. I have already submitted an amendment to that act providing for a \$1 billion authorization in fiscal year 1971 and for greater funding in subsequent years.

I recognize that the amendment I have called up may be subject to a point of order since the Senate has not yet passed an authorization for the act for fiscal year 1971. However, I introduce the amendment now to focus attention on the need to increase the appropriations for this vital program. I would hope that the Senate would accept this amendment to demonstrate support for an increase in the authorization of the Law Enforcement Assistance Administration to \$1 billion.

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

Mr. HART. I yield.

Mr. MANSFIELD. Mr. President, the bill contains \$480 million for assistance to local law enforcement agencies. This amounts to about \$2.40 for every man, woman, and child in America.

The \$2.40 per person for local law enforcement assistance is not enough. Crime is too great a problem to be dealt with in such meager fashion. When we consider some of the other millions, tens of millions, hundreds of millions, and billions that are spent for other subjects that are not nearly so pressing, one begins to wonder.

The Senate has demonstrated its commitment to fighting crime by passing virtually every major crime proposal introduced with one exception, and that was held up at the request of the administration. It has done so under the leadership of the distinguished Senator from Arkansas, the manager of the pending bill.

The Senate could do as much by allocating a sufficient portion of this Nation's resources to this most pressing of all problems.

I commend the Senator from Michigan for offering the amendment. He has brought into clear focus the priorities question here involved. Although his amendment, as he says, is subject to a point of order, by offering it, in my opinion, the distinguished Senator from Michigan (Mr. HART) has performed an outstanding service.

Mr. HART. Mr. President, I am very grateful for the comment of the distinguished Senator from Montana, our majority leader. It makes more likely the prospect that before this session adjourns sine die we will, indeed—to be a little crude about it—put our money where our speeches have been. We have all been making magnificent speeches about crime, but they do not seem to intimidate the criminal. If this war is to be won, it will have to be won as all wars are won, with not only plans and work, but also with money.

There is not a citizen in our country who would quarrel with the suggestion of the distinguished majority leader that \$2.50 is not a very massive commitment per head in the elimination of crime.

Mr. President, the Nation faces a crime crisis and we all know it. In the past 7

years the Nation's population has gone up 10 percent but the crime rate has gone up 88 percent.

We have all made hundreds of brave speeches about the need to fight crime but the speeches do not seem to be intimidating many criminals.

Crime continues as the Nation's prime concern. But that concern is hardly reflected in the appropriation measures that we are contemplating.

The administration request is, in my view, totally inadequate in light of the tremendous threat crime poses.

Everyone agrees that our present system of criminal justice—our courts, prosecutors' offices, police, and prisons—is badly strained under the enormity of the challenge and needs help fast—lots of it.

Yet while we spend about \$85 billion to protect our national interests from foreign threat around the globe, we spend a total of about \$6 billion—at the Federal, State, and local levels combined—on our entire law enforcement and criminal justice effort.

With substantially increased funding, the present distribution of funds by the State to all localities could continue at about the present levels, while additional money would be available for expanded crash programs in critical areas such as improved police response time, court reform, drug control, and juvenile rehabilitation.

Rehabilitating addicts, diverting juveniles from the criminal system, streamlining court calendars—all are areas where concentrated efforts could have a dramatic impact—and where money for more and better trained personnel is the major hurdle.

Mr. President, the Violence Commission called for a doubling of our present investment in criminal justice and law enforcement, as rapidly as it could be wisely planned and utilized. I think we can come close to that goal and use the money soundly now.

Doubling the administration's request for LEAA funds for fiscal 1971 would add less than one-quarter of 1 percent to our Federal budget. Surely that is not too much to spend on what is probably the No. 1 concern of millions of Americans.

The reason people cannot walk on the street at night with any measure of security is not because of something planned by Mao Tse-tung, the Politburo, nor any power in or out of Cambodia, but steps we have failed to take in the neighborhood to make our commitment consistent with our responsibilities. This amendment would seek to do that.

Mr. President, I hope the amendment is agreed to.

Mr. McCLELLAN. Mr. President, I join the distinguished majority leader in commanding the Senator for evidencing tremendous interest, which has been maintained throughout the years in law enforcement, and in focusing attention on the item that is in this bill, which is the full amount of the budget request granted by the House and concurred in by the Senate. But there is no legislative authorization for any additional funds. Legislative authorization is pending. It is now before the Committee on the Judiciary and before the Subcommittee on

Criminal Laws and Procedures, of which the distinguished Senator from Michigan is a most able member.

This bill has been processed, hearings have been held, and we have processed that bill to the point where we had the first meeting this morning of the subcommittee to mark up the bill. We hope to resume our work on the bill in the morning and succeed in marking it up and have it reported to the full committee.

I have no doubt that the bill will reach the full committee and I am sure of full Senate action at this session of Congress. I suggest we should proceed in an orderly parliamentary way under the rules of the Senate.

If there was a great emergency and the Senate was prepared to act and could not get legislative authorization through, we might disregard the rules of the Senate and proceed in this fashion; but I think we would be establishing a precedent we do not want to follow and a precedent we would not want to get in the habit of following unless there were a real emergency.

Since this measure is in process and action is imminent, I think we should proceed in that fashion.

Regretfully I have to raise the point of order under rule XVI against this amendment.

In addition, I want to say that we all know the crime situation. As the Senator said, we have done a lot of talking about it; now we have to do a lot of acting about it. But I point out that money alone is not going to solve the problem. Money is crucial in the battle against crime, but until we get the machinery organized so the money can be spent effectively and efficiently, it is not going to solve the crime problem. We are working hand in hand here to get the proper legislative remedy before this body with the authorization to carry on this program.

My recollection is the administration suggested probably \$750 million, then \$1 billion next year, and \$1.5 billion the next year, but those amounts are not binding on Congress. We are going to work it out and bring it to the floor of the Senate and let the Senate work its will.

Mr. President, I suggest the amendment is out of order.

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

Mr. McCLELLAN. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I subscribe to the statement of the Senator from Arkansas. We often are confronted with the thought that we should put our money where our talk is. The idea of trying to solve our problems with talk does not work. We have here, in connection with the Law Enforcement Assistance Administration, a plan in which the appropriation of money is made primarily pursuant to a State plan. Until that plan is approved, and approved on the basis of being something calculated to improve the present law enforcement picture in the respective States, there is a limitation on what they can do by way of improving present law enforcement procedures. It is in progress and will be achieved soon.

Hence, the authorization is in the neighborhood of \$650 million for the current fiscal year, to be augmented the following year to \$1 billion, and \$1 billion plus in a few fiscal years. I support the statement of the Senator from Arkansas that we cannot think simply in terms of appropriating money because we say that crime is bad and money is needed. We need money but it must be spent expeditiously and efficiently. I hope that is the way the Senate proceeds.

I am glad the Senator from Arkansas is raising the point of order at this time so we can consider it properly.

The PRESIDING OFFICER (Mr. HUGHES). A point of order has been raised. The funds proposed in this amendment are not authorized by law nor are there budget estimates therefor. Therefore, the Chair, under rule XVI, paragraph 1, sustains the point of order.

The bill is open to further amendment. Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Wisconsin (Mr. NELSON), and the Senator from New Hampshire (Mr. MCINTYRE), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows: On page 46, line 20, strike "\$5,000,000," and insert in lieu thereof: "\$6,000,000," and on lines 22 and 23, strike "\$18,950,000" and insert in lieu thereof: "\$19,950,000".

Mr. JAVITS. Mr. President, I can explain this amendment very briefly. The amendment deals with the provision of the bill relating to expenses for technical and management assistance to be given to small businessmen in the general entrepreneur class to enable them to take advantages of other programs the SBA has, including the possibility of participating in Government procurement.

The Administrator of SBA made a most profound plea for \$5 million rather than the \$1 million contained in my amendment and states that he has on hand "over 200 proposals exceeding \$15 million from management and technical assistance organizations that have the capability to render significant assistance in carrying out the program envisioned under section 406."

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Administrator of the Small Business Administration.

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

SMALL BUSINESS ADMINISTRATION,  
Washington, D.C., May 19, 1970.  
Hon. JOHN L. McCLELLAN,  
Chairman, Subcommittee on Departments of  
State, Justice, Commerce, the Judiciary  
and Related Agencies, Committee on  
Appropriations, U.S. Senate, Washing-  
ton, D.C.

DEAR SENATOR McCLELLAN: The Departments of State, Justice, Commerce, the Judiciary and Related Agencies Appropriations Bill for FY 1971 as passed by the House of Representatives on May 14, 1970, provides a direct appropriation of \$18,950,000 and trans-

fer authority of not to exceed \$53,100,000 from the revolving funds for salaries and expenses of the Small Business Administration. The Bill also provides \$1,340,000 for insufficiencies arising out of the participation sales authorized in the 1968 Act and a capital appropriation of \$200,000,000 for the Business Loan and Investment Fund.

The amount approved for the direct appropriation for salaries and expenses represents a reduction of \$5,150,000 from our request. Of this reduction, \$5,000,000 is from the funds requested to carry out the provisions of Section 406 of the Economic Opportunity Act of 1964 as amended. The balance of the reduction reflects the elimination of the funds requested for research contracts. In addition, the request for capital for the Business Loan and Investment Fund was reduced from \$242 million to \$200 million.

After careful review of the reductions, we feel that we can accept the House action without impairing our commitments to the small business community with the exception of the reduction of \$5,000,000 in funds required to carry out the provisions of Section 406 of the Economic Opportunity Act of 1964 as amended.

The \$5,000,000 allowed by the House will allow us to continue only the same program level which we now have for FY 1970. However, this program level is not sufficient to meet the increasing requirements of assistance to the socially and economically disadvantaged as provided in Section 406. Some of the pressures that make it imperative for us to extend our program of assistance under this act are as follows:

1. The increasing number of economic opportunity loans in our portfolio and the continuous escalation of requests for technical and management assistance.

2. The need for professional management assistance for new minority firms obtaining government contracts under Section 8a of the Small Business Act. We project a \$100,000,000 procurement program under this authority and professional management assistance is so basic to these new minority firms that if it is not available on a timely basis, the concept of developing new self-supporting minority owned productive facilities could fail.

3. The need to strengthen our construction task force so that we may provide the necessary kind of assistance to minority contractors in overcoming the barriers that have prevented minority contractors from full participation in the construction industry.

4. And finally, these funds are necessary as a catalyst to encourage the private sector to greater efforts in the area of support and assistance to the socially and economically disadvantaged, as demonstrated in our FY 1969 and 1970 programs.

We now have on hand over 200 proposals exceeding \$15,000,000 from management and technical assistance organizations that have the capability to render significant assistance in carrying out the program envisioned under Section 406. We, therefore, earnestly request the restoration of the \$5,000,000 that was reduced by the House to the full \$10,000,000 as requested in order to carry out the programs contained in the enclosed justification.

My staff and I will be glad to discuss our entire budget estimates and our appeal on this item at the convenience of the Committee.

Sincerely,

HILARY SANDOVAL, Jr.  
Administrator.

Small Business Administration—salaries and expenses

1971 estimate:

Direct appropriation..... \$24,100,000  
Transfer from the revolving  
fund ..... (53,100,000)

1971 House allowance:	
Direct appropriation	18,950,000
Transfer from the revolving fund	(53,100,000)
House reduction:	
Direct appropriation	5,150,000
Restoration requested:	
Direct appropriation	5,000,000

**AMENDMENTS REQUESTED**

Page 45 line 20 strike "\$5,000,000" and insert "\$10,000,000" an increase of \$5,000,000 to restore the budget estimate for the section 406 activities. Page 45 lines 22, 23, strike "\$18,950,000" and insert "\$23,950,000" an increase of \$5,000,000 to restore the budget estimate.

HOUSE REPORT (P. 24)

**Salaries and Expenses.** "The Committee recommends a direct appropriation of \$18,950,000 together with transfer authority of not to exceed \$53,100,000 from the revolving fund for the necessary salaries and expenses of the Small Business Administration."

"The Committee has included in the bill \$5,000,000 the same amount as for the current fiscal year, to carry out the provisions of section 406 of the Economic Opportunity Act of 1964, as amended. The funds requested for research have not been approved."

**JUSTIFICATION OF AMENDMENT**

The Small Business Administration recommends full restoration of the \$5,000,000 reduction made by the House of Representatives in the funds available to carry out the provisions of Section 406 of the Economic Opportunity Act of 1964, as amended. The total \$10,000,000 which was requested for FY 1971 is necessary to carry out the following program:

1. **Professional Management and Technical Assistance Services**—\$2,500,000.—Experience to date has demonstrated that many disadvantaged minority enterprises lack management training and experience. In many cases this need is critical to their survival and in almost all it severely limits progress to success. Under Section 406 of the Economic Opportunity Act, funds will be utilized to provide: (1) Business preplanning, (2) Basic management planning assistance, and (3) Post-contract assistance.

Funds for business preplanning will be utilized to identify the economic areas where expansion is needed to supply growing present and future requirements. In performing the basic market research studies on specific products, minority firms will come into a growing market, not an over-saturated one, the chances of survival will be maximized by minimizing the competition which arises in overcompetitive areas. This basic preplanning is required by new firms or organizations contemplating business entry.

It is anticipated that about 70 of the minority manufacturers assisted in FY 1971 will need business preplanning at a cost of \$1,500,000.

Under the Basic Management Planning Assistance concept, funds will be used to employ professional management planning for new minority firms seeking 8(a) assistance. These plans will set forth the requirements and objectives for the new firm for an initial period. They will identify the ultimate products to be manufactured and sold in commercial markets with predictions of sale. Complete financial, facility manpower and related requirements will be set forth to produce needed products at competitive prices so as to attain stable commercial market objectives and independence from Government support and aid.

Post Contract Assistance is needed to assure that the firms successfully carry out their obligations (on time and with an acceptable product) and adhere to the long range basic management plan. Management concerns will on a contractual basis provide professional and technical assistance and education to the new firm. Experience to

date shows that this is critically needed where the management and supervision are minority members and lack the experience and knowledge normally occasioned by previous participation. We estimate \$1,000,000 is required for Basic Management Planning and Post Contractual Assistance.

2. **Local Assistance Organization**—\$4,000,000.—There is a growing social consciousness among community leaders, professional and business organizations, educational institutions, trade associations, civic groups and public and private action groups, of their responsibility for participating in efforts to raise social and economic levels in depressed areas.

While the capability and experience of these diverse organizations varies considerably, most of the effective groups afford a surprising pliancy in both breadth and depth, and exhibit a firm grasp of the problems in their localities.

In 1971, it is anticipated that most of the target areas in which Operation Business Mainstream expects to operate will request assistance of some nature from one or more participating community organizations. To meet this anticipated demand, SBA will evaluate specific proposals from established organizations that can demonstrate their ability to relate to the local problems and work toward one or more of the goals set by SBA as essential to the success of the Minority Enterprise program.

3. **Construction Task Force**—\$1,000,000.—Under this contract authority, special emphasis will be given to removing barriers that tend to prevent minority contractors from full participation in the construction industry. Units (called ACT teams) will be established and funded in 1971 in 25 target cities to help minority contractors find contract proposals within their area of competence, estimate and submit bids, solve bonding problems, etc.

4. **Market Research and Feasibility Studies, Group Management Training and Individual Counseling**—\$2,500,000.—Under its regular MA program, SBA will evaluate the management strengths and weaknesses, and a management assistance plan will be developed to correct weaknesses for most minority-owned business loan applicants. Much of the required assistance will be supplied through the on-going MA program. For those situations where the depth and duration of assistance, or the location of the case preclude service under the normal program, the Agency will turn to the professional consulting community.

The Agency, and other organizations participating, need a great deal more information than is now available in order to distinguish and identify those businesses that, in view of national, regional, and local economic patterns, offer the greatest likelihood for successful operation. Feasibility, market and economic research studies will be contracted for by which the Agency will pursue its objective of identifying specific business opportunities in target areas.

STATEMENT OF HILARY SANDOVAL, JR., ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, BEFORE THE SUBCOMMITTEE ON DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, U.S. SENATE

**INTRODUCTION**

Mr. Chairman and members of the committee, it is a pleasure to appear before you today to discuss the Small Business Administration's budget estimate for FY 1971.

**BUDGET ESTIMATE FISCAL YEAR 1971**

Our budget request for FY 1971 is for \$77.2 million, salaries and expenses, small business administration, a capital appropriation of \$242 million for the business loan and investment fund and an appropriation of \$1,340,000 for payment of participation sales

insufficiencies. Included in the \$77.2 million for salaries and expenses is \$24.1 million direct appropriation and authority to transfer \$53.1 million from the revolving funds. Of the \$24.1 million direct appropriation, \$10 million is requested to carry out the provisions of section 406 of the Economic Opportunity Act and \$150,000 for research contracts.

**HOUSE ACTION**

The House bill provides for a direct appropriation of \$18,950,000 and transfer authority of \$53.1 million for salaries and expenses. It provides \$200 million capital appropriation for the business loan and investment fund and \$1,340,000 for participation sales insufficiencies. The House bill specifically provided \$5 million for section 406 activities, a reduction of \$5 million from our request and denied the \$150,000,000 for research contracts. As stated in my letter of May 19, 1970, we are accepting the House action with the exception of the reduction in funds required to carry out the provisions of section 406 of the Economic Opportunity Act. We are appealing for a full restoration of this reduction back to the \$10,000,000 contained in our original estimate.

**HIGHLIGHTS OF FISCAL YEAR 1971 ESTIMATES**

Before addressing myself to our specific appeal, I would like very briefly to touch upon some of the highlights of our budget estimates for fiscal year 1971.

**PROCUREMENT AND MANAGEMENT ASSISTANCE**

The major effort in PMA in 1971 will be the continued expansion of the 8(a) contracting program. It is not enough to simply award a contract to the minority business, there must be comprehensive planning done to assure that the business does have a reasonable chance for survival and, at some future time, will be able to take its place in the competitive market with no longer a need for preferential government contract treatment. This is the type of program being developed—the coordination of all of the resources available to the agency—procurement, technical and management assistance, financing, the involvement of private industry—every effort is being made to insure the success of the venture.

In FY 1971, there is an estimated 10 percent increase in the management assistance workload in order to provide the counseling, training and other assistance required by the small businessman. This will be accomplished through increased reliance on the talents volunteered by the private sector.

**FINANCIAL ASSISTANCE**

In the financial assistance area, for the lending programs, 7(a), and EOL, there is a projected increase of 32 percent. Although this increase is based, in part, on the continued emphasis on the utilization of the private sector, there is an increase of 49 percent in the SBA direct and immediate participation dollars available for these programs. It is projected that through improvements in organization, and in utilization of manpower as well as increased employee productivity, the program can be accomplished with a reduction in manpower of about 1 percent from 1970.

**INVESTMENT ASSISTANCE PROGRAM**

Under the Investment Assistance Program, the emphasis in 1971 will continue to be on the provision of venture capital to the disadvantaged small businessman. This is being accomplished through the licensing of SBIC's that are wholly dedicated to providing the capital otherwise not available to this group. These are organized under sponsorship of a large corporation or other organization with the required expertise in business management. SBA investments in 1971 in the MESBIC's will be \$20 million, an increase of \$5 million over 1970.

As you know, in FY 1970, the Congress directed that the administration provide \$70

million in direct funding for the small business investment companies. The administration has made the \$70 million available for fiscal year 1970 with \$15 million of this total to be provided to MESBIC's. In fiscal year 1971, we have planned a \$35 million direct lending program and a \$30 million guarantee lending program to continue assistance to the SBIC's.

#### MINORITY ENTERPRISE

This program represents a twofold effort to develop and expand entrepreneurial and management opportunities in selected rural and inner city areas. The first phase is that carried on by our own staff. The coordination, the advisory and outreach services to the minority communities and the administration of technical and management assistance program authorized by section 406 of the Economic Opportunity Act—the second facet of the program provides for the augmentation of our basic assistance efforts through the use of grants and contractual programs offered by the private sector. The estimate for 1971 contains \$10 million for this purpose, an increase of \$5 million over 1970. The House bill reduces this item by \$5 million back to the same amount as provided FY 1970.

#### APPEAL

Gentlemen, we just do not believe that the level of \$5 million is sufficient to meet the increasing demands for assistance to the socially and economically disadvantaged that is necessary to carry out the intent of section 406. This program actually commenced in SBA in FY 1969 when we approved \$1.7 million in grants and contracts using funds transferred from the Office of Economic Opportunity. In FY 1970 the Congress provided SBA \$5 million to continue and expand the program commenced in 1969. The responsiveness of management and technical assistance organizations, mostly nonprofit, to participate in the program has been just tremendous. We now have on hand over 200 proposals exceeding \$15 million from organizations that have the capabilities to render significant assistance to active and potential small businessmen that have been socially or economically disadvantaged. We are receiving more proposals every day.

In FY 1971 we had planned, in addition to providing professional management and technical assistance to the increasing number of disadvantaged borrowers and applicants under SBA loan programs, to extend Section 406 assistance to other disadvantaged groups that are seriously in need of this type of assistance. For instance, we plan to extend our assistance to the disadvantaged firms obtaining Government contracts under Section 8(a) of the Small Business Act, and to minority contractors who have been prevented from full participation in the construction industry because of barriers that have been difficult if not impossible to overcome.

For FY 1971 under our 8(a) program, we are expecting a procurement program that will exceed \$100 million. Through use of Section 406 funds, we will strive to assist these companies to become self-sufficient so that they do not have to depend upon Government contracts for their continued existence and so that they can take their rightful place in the commercial markets. As I previously stated, there is also an urgent need to assist minority contractors to participate fully in the construction industry. In 1971 we plan the establishment of units in 25 target cities to help minority contractors to locate contract proposals within their area of competence, to estimate and submit bids and to overcome existing bonding problems in the industry.

These are just two of the specific areas where we plan to use Section 406 funds in 1971. There are other areas which are outlined in our justification, such as: The Small Business Apprenticeship Training program.

local assistance organizations, market research and feasibility studies and training and counseling of the disadvantaged small businessmen. Our experience has clearly shown us that this help is critically needed. Particularly where the management and supervision are minority members and lack the experience and knowledge so necessary to make a success of their venture.

Mr. Chairman, we honestly believe that \$10 million is a minimal amount for us to carry out the type of assistance to the disadvantaged which was intended by the Congress when they considered Section 406 of the Economic Opportunity Act. We earnestly appeal for a restoration of the \$5,000,000 that was reduced by the House.

This completes my prepared statement. We will be pleased to answer any questions you or the committee may have.

Mr. JAVITS. I have consulted with all parties in interest, including the distinguished chairman of the Small Business Committee (Mr. BISLE), of which I am the ranking minority member, and with the manager of the bill, the Senator from Arkansas (Mr. McCLELLAN). They have been kind enough to say that they will take an amendment for an additional \$1 million.

I have also consulted with the Senator from Nebraska (Mr. HRUSKA). I think, considering the temper of the Senate, that desirable as is the case—I think they could really make a case for \$5 million—they should be accommodated. That is the attitude of the manager of the bill and the chairman of the Small Business Committee. So I have agreed to introduce this as amendment.

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

Mr. JAVITS. I yield to the Senator from New Hampshire.

Mr. MCINTYRE. Mr. President as a member of the Select Committee on Small Business, I support the distinguished Senator from New York on this amendment.

The management assistance functions of the Small Business Administration under section 406 of the Economic Opportunity Act are perhaps more important than the funds available for loans and guarantees to minority small businesses. How on earth can we propose to turn over funds to businessmen who, almost by definition, have no prior business experience, and then expect them to manage their business without help?

This year, the Small Business Administration requested \$10 million for this assistance program. The committee reduced this to \$5 million. I believe that SBA ought to be granted at least another \$1 million.

I cannot think of a better investment for the Federal Government than funds used to help train a new generation of minority businessmen who will be able, in the future, to help sustain themselves and their communities in prosperity without any future need for Government help.

I hope that the amendment of the Senator from New York will be accepted.

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

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, the rate of return on this investment will be ex-

ceedingly high. It will be a catalyst that will release the volunteer energy of organizations throughout the community and labor organizations that are anxious to help. I fully support the amendment.

Mr. JAVITS. Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, I have consulted with other members of the Appropriations Committee. In view of the lateness of the hour and also due to the merit that is in this proposal, I have concluded to accept the amendment and take it to conference.

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

Mr. JAVITS. Mr. President, before the Chair puts the question—

The PRESIDING OFFICER. The Senator from Arkansas has not yielded the floor.

Mr. McCLELLAN. I thought we were going to vote.

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

Mr. McCLELLAN. I yield.

Mr. JAVITS. Mr. President, in the report appears the statement:

The committee wishes to point out that the following language, contained in the House bill and recommended by the committee, is not authorized \* \* \*

And then goes on to set out the particular section we are amending.

This matter has been covered by a budget estimate of \$10 million. Therefore, as I understand it, the ruling is that this is, in effect, an authorized amount and that amount will apply both to the \$5 million and the \$6 million, which is well within the budget estimate.

Will the Chair tell me whether I am correct?

The PRESIDING OFFICER. Any amendment proposing funds within the budget estimate would be in order.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. My question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, the Senator from Washington and the Commerce Committee have had a long-abiding interest in a nuclear merchant marine. As a result, we built what everyone knows as the *Savannah*. The nuclear ship *Savannah* has been operating now for some years quite successfully. It has cost about twice as much to operate as a normal ship in merchant marine activities would cost but has accomplished a great deal in research. It has been used as a training ground for engineering crews. Instead of having one engineering crew, they have 4-hour watches and 4-hour shifts, and as a result a great number of Americans have been trained to handle nuclear power, whether it be a power-plant, ship, or whatever it may be.

Two years ago the administration wanted to lay up the *Savannah*. In the House and the Senate we were successful in ascertaining the figure of what it would cost to lay it up, \$9 million, and instead we put funds for its continued operation back in the bill. It has been running the same way during the last year. Now again they would like to lay it up. It will cost about \$1,700,000, con-

servatively, for the initial phase of laying the ship up.

Second, we have been able to achieve agreements with many countries in the world allowing this ship to land, which is sometimes difficult, due to insurance and other matters.

If we lay it up, I am afraid we will set back the prospects of what everybody knows is the beginning of a nuclear powered merchant marine.

So the House amended the bill again to allow the ship to continue operating.

Unfortunately, I could not attend the subcommittee hearings. I am not a member of the subcommittee. But they decided to go along and take it out of the bill.

I am not going to offer an amendment tonight, because of the lateness of the hour, but I want to express this feeling to the chairman, as a member of the full committee. The total cost of the lay-up would be \$9 million. Continued operation would cost \$4 million next year and \$3.4 million thereafter.

The Senator from Delaware (Mr. Boggs) nods his head. In other words, we ascertained that it will cost more to lay it up than to run it.

So I am going to tell the manager of the bill, and I hope he will bear with me because we were all busy with other appropriation bills, that in the conference the Senator from Washington is going to make a very serious attempt to accept the House figure.

Mr. McCLELLAN. Mr. President, I do not believe I need to reply to that statement. The reason for the Senate committee's action is stated in the report.

Mr. MAGNUSON. I am sure that if we had had an opportunity to come before the committee, the committee would have put it in the bill. No one paid attention.

Mr. McCLELLAN. Mr. President, it was a question of economics. We are told it was not economic. By taking it out, there would be \$2,300,000 left in the bill to do other research. It sounds good. I do not know whether it is so or not.

Mr. MAGNUSON. I think we can make a good case when it goes before the conference.

We would be getting the benefit of nuclear training. I am afraid we would never get the agreements with other nations again in these days of competition in the merchant marine. I am sure the committee would have taken another look at it.

I shall try to work it out in conference. I wanted to serve notice on the Senator from Arkansas.

Mr. GOODELL. Mr. President, I want to commend the committee for providing funds for the Equal Employment Opportunity Commission in the amount of \$19 million, increasing the amount from \$14 million provided by the House. It is a critical provision. I trust the conferees will fight hard for the amount provided by the committee, since it is of such vital importance.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that a letter to me from FBI Director J. Edgar Hoover, dated August 17, 1970, regarding the need for additional funds to reactivate the processing of non-Federal applicant fingerprints be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION,  
Washington, D.C., August 17, 1970.

Hon. JOHN L. McCLELLAN,  
U.S. Senate,  
Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to prior correspondence and conversations with you relative to providing the FBI additional funds and personnel to reinstitute the processing of non-Federal applicant fingerprints. Justification material has been furnished you for the record in support of our need for the amount of \$2,750,000 and 400 full-year employees for the fiscal year 1971 to handle the reinstitution of this program.

While the basis for the need of the funds and personnel mentioned above was predicated on the thought that it would be possible to reinstitute this program July 1, 1970, notification as to the date as to when this program can be reinstated will, of course, depend on the action taken by the Congress with regard to this matter. None the less I would like to urge your support and consideration when action is taken by your Subcommittee to permit the allowance of the funds of \$2,750,000 and the 400 additional full-year employees inasmuch as it will no doubt be necessary to utilize trained personnel on an overtime basis to process the backlog of these types of fingerprints which the contributors have continued to take but are holding in abeyance for submission for processing on notification from us that this program has been reinstated.

As you know these fingerprints involve applicants and registrants for real estate licensees, gun permit holders, school teachers, school janitors, salesmen, cab drivers, race track and casino employees, bartenders and night club entertainers. The submission of these fingerprints by contributors will result in a substantial increase in our fingerprint receipts and the impact will be such that in order to keep arrest fingerprint searchers current and handle these non-Federal applicant fingerprints as rapidly as possible, it will be necessary to work our fingerprint technicians on an overtime basis to eliminate the log jam which will occur. As a consequence of this situation we will require the full \$2,750,000 requested for the fiscal year 1971.

I thought you would like to have the benefit of the above observations in connection with the consideration your Committee will give this matter in the near future.

Sincerely yours,

J. EDGAR HOOVER.

MR. GRIFFIN. Mr. President, I ask unanimous consent that a statement by the distinguished Republican leader, Senator Scott of Pennsylvania, be inserted in the RECORD at this point.

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

THE U.S. TRAVEL SERVICE

MR. SCOTT. Mr. President, I am pleased to express my support for the U.S. Travel Service's fiscal year 1971 appropriations in the amount of \$4.5 million. This amount is \$2 million less than the budget request, but is the same as the appropriation for the current fiscal year.

As we await final word from President Nixon that Philadelphia has been selected as the site for the Nation's Bicentennial Observance in 1976, we should also make every effort to support one of the Bicentennial's biggest boosters, the U.S. Travel Service. Operating within the Department of Commerce, the Travel Service is charged with encourag-

ing national efforts to increase foreign travel to the United States. As a sponsor of the legislation creating the Travel Service back in 1961, I have seen some of the solid economic benefits which have accrued since that time. First, our balance of payments has improved, but not yet to the point at which I am satisfied. For every two tourist dollars leaving the United States, only \$1 returns. Surely, we must improve this situation. Second, foreign travel to the United States has increased more than 188 per cent since 1961. This is due, in no small part, to the creativity and energy of the U.S. Travel Service. Congress must do its part to provide the Travel Service with the funds it needs to continue an effective operation.

At this point, I wish to point out that legislation is still pending before Congress which would, if finally passed, authorize appropriations of \$15 million for the Travel Service for each of the next 3 fiscal years. Once this measure reaches the President for approval, I might suggest that the Travel Service play an even more helpful hand by pushing for higher funding levels during the coming years so that more attention could be paid to Pennsylvania in its preparation for the Bicentennial celebration in 1976. For my part, I will be glad to support additional funds for this much-needed effort.

The Nation's bicentennial period is fast approaching. Beginning in 1976, Philadelphia alone is expected to attract more than 50 million visitors who are then expected to spend about \$1 billion. Considering what we have done so far to promote tourism, this represents a tremendous return on our original investment in the U.S. Travel Service. Consequently, I believe we must cooperate fully with the Travel Service by not only providing it with the tools to do even a better job, but also with the funds necessary to encourage more foreign citizens to visit the United States.

MR. BIBLE. Mr. President, it was my privilege as a member of the Committee on Appropriations to support an addition of \$2.7 million to the Federal Bureau of Investigation budget. These extra funds are based on the Justice Department's estimate of supplemental moneys needed to reinstate the full fingerprint identification service of the FBI to local and State governments, a service the FBI felt had to be curtailed starting last May 15 because of budget stringencies.

Many Senators are aware, I am sure, of the problems that have been created in their own States by the reduction of this service. It has been clearly demonstrated that State and local governments rely heavily on the FBI's fingerprint repository. Criminal background checks on a wide variety of applicants for jobs and gun permits—checks that are required by local laws—are essential in the screening of prospective employees or permittees. These are persons who will be holding positions of public trust or who will be working in sensitive areas—schoolteachers, local government workers, cab drivers, bartenders, race track and casino employees, and the like.

Justice Department spokesmen testified before our committee that the volume of requests for background checks has increased dramatically. Yet it is a burden State and local government cannot handle without Federal assistance.

The added funds will be used primarily to employ 400 additional clerical workers, according to justifications supplied by the Department. Our committee has been assured the FBI will gear up to re-

sume the full identification service immediately after these necessary funds are approved by Congress.

I think it is essential that this approval be forthcoming as quickly as possible. The pinch is already being felt, since the curtailment has now been in effect for more than 3 months. In my own State, which relies heavily on FBI cooperation in the scrutiny and control of legal gaming and in the careful screening of those interested or employed in gaming and night club entertainment, the cutback has already created a serious logjam, not only for State gaming control authorities but also for county and city law enforcement.

The Senate, I am sure, will recognize the importance of this additional appropriation. I hope the House will follow up with the earliest possible approval so that the service can be resumed with little delay.

FUNDS FOR LOWER RIO GRANDE  
FLOOD CONTROL PROJECT

Mr. YARBOROUGH. Mr. President, I wish to express my gratitude and that of the over 400,000 people who live in the Lower Rio Grande Valley area of Texas to the Senate Appropriations Committee for including \$3.8 million in the State, Justice, and Commerce appropriations bill, H.R. 17575, for repairs and improvements to the Lower Rio Grande flood control project.

This project, which was first authorized in 1935, provides flood protection to one of this Nation's richest agricultural areas. The Lower Rio Grande Valley contains approximately 800,000 acres of irrigated farmland which produces crops of cotton, vegetables, and citrus fruit which exceed \$150 million in value each year.

In addition to protecting the vital farm economy of this area, the Lower Rio Grande flood control project affords flood protection to the ever increasing farm and urban population of the area. At present, 12 cities—Mission, McAllen, Pharr, San Juan, Alamo, Donna, Westlaco, Mercedes, Harlingen, San Benito, Hidalgo and Brownsville—are located along the banks of the Rio Grande and its floodway.

In 1967, Hurricane Beulah struck the Lower Rio Grande Valley, causing flooding which caused approximately \$12 million in property damage and left thousands of people homeless in both Texas and Mexico. After this terrible experience, it was apparent that the Lower Rio Grande flood control project needed to be repaired and improved so that it could accommodate floods of this magnitude in the future. The estimated cause of this work is over \$19 million and the plan calls for it to be done over a 4-year period. The Johnson administration's budget for fiscal year 1970 requested \$3,600,000 for the initial work on these improvements; however, with the change in administrations, these important funds were deleted.

The Senate Subcommittee on State, Justice and Commerce Appropriations, under the able leadership of its distin-

guished chairman, Senator McCLELLAN, responded to my request last year for funds for this project and included \$1,500,000 in its version of this appropriations bill. Unfortunately, despite Senate approval of these important funds, the House would not agree to accept the Senate's action; therefore, these funds were lost in conference.

I am very much pleased that this year's budget included \$3.8 million for the Lower Rio Grande flood control project and that the House and the Senate Appropriations Committees have agreed to provide these funds so that progress can be made this year. I commend the distinguished Senator from Arkansas (Mr. McCLELLAN) for the outstanding work that his subcommittee did on the bill. I urge all Senators to give their full support.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HUGHES). The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), are necessarily absent.

I further announce that the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE), is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Virginia (Mr.

SPONG), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), and the Senator from Maryland (Mr. MATHIAS), are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS), would each vote "yea."

The result was announced—yeas 64, nays 1, as follows:

[No. 270 Leg.]

YEAS—64

Allott	Fulbright	Mondale
Anderson	Goodell	Moss
Bayh	Griffin	Muskie
Bellmon	Gurney	Nelson
Bible	Hansen	Packwood
Boggs	Harris	Pell
Brooke	Hart	Percy
Burdick	Hartke	Prouty
Byrd, Va.	Hatfield	Proxmire
Byrd, W. Va.	Holland	Randolph
Case	Hollings	Ribicoff
Church	Hruska	Schweiker
Cook	Hughes	Sparkman
Cooper	Javits	Stennis
Cranston	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dominick	Magnuson	Tower
Eastland	Mansfield	Tydings
Ellender	McClellan	Williams, Del.
Ervin	McGee	Young, N. Dak.
Fannin	McIntyre	
Fong	Miller	

NAYS—1

Allen

NOT VOTING—35

Aiken	Jackson	Russell
Baker	Kennedy	Saxbe
Bennett	Long	Scott
Cannon	Mathias	Smith, Maine
Cotton	McCarthy	Smith, Ill.
Dodd	McGovern	Spong
Dole	Metcalf	Stevens
Eagleton	Montoya	Symington
Goldwater	Mundt	Williams, N.J.
Gore	Murphy	Yarborough
Gravel	Pastore	Young, Ohio
Inouye	Pearson	

So the bill (H.R. 17575) was passed. Mr. HRUSKA. Mr. President, I move

to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. FULBRIGHT, Mrs. SMITH of Maine, Mr. HRUSKA, and Mr. CASE conferees on the part of the Senate.

#### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, at the conclusion of the remarks by the able Senator from Idaho (Mr. CHURCH), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, and that the period for the transaction of routine morning business end not later than 9 a.m. tomorrow, at which time the unfinished business then be laid before the Senate.

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

Mr. BYRD of West Virginia. This is with the understanding that there will be no call of the calendar with respect to unobjection to items on the calendar tomorrow morning.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

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

#### UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the able Senator from Wisconsin (Mr. PROXIMIRE) has an amendment dealing with the C-5A and that he will call this amendment up at one time or another, hopefully, not too far in the future. After having discussed this amendment with the able Senator from Wisconsin and the manager of the bill, the chairman of the committee, the Senator from Mississippi (Mr. STENNIS), and the able senior Senator from Georgia (Mr. RUSSELL) and the able junior Senator from Georgia (Mr. TALMADGE), it appears to be agreeable among those principal parties that this amendment could be limited to 3 hours, with the time to be equally divided between the offeror of the amendment, Senator PROXIMIRE, and the manager of the bill, Senator STENNIS.

Therefore, I propose this in the form of a unanimous-consent request: At such time as the Senator from Wisconsin (Mr. PROXIMIRE) calls up the amendment dealing with the C-5A, I ask unanimous consent that the time on the amendment be limited to 3 hours, to be equally divided and controlled between the offeror of the amendment, Senator PROXIMIRE, and the manager of the bill, Senator STENNIS, and that any amendments thereto be limited to 30 minutes, to be equally divided between the offeror of the amendment and the manager of the bill, if he is opposed to the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Oregon (Mr. HATFIELD).

#### ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, August 25, 1970, at 8:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate August 24, 1970:

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel:

James W. Abraham	Arnold E. Bench
Billy M. Adrian	Lee R. Bendell
James R. Aichele	Darrel E. Bjorklund
Harry L. Alderman	Rollin Q. Blakeslee
Peter F. Armstrong	Louis A. Bonin
James M. Bannan	Frank L. Bourne, Jr.
Roger H. Barnard	Eugene R. Brady
Richard S. Barry	Thomas E. Bulger
George L. Bartlett	Robert N. Burhans

John J. Cahill	Donald N. McKeon
Richard E. Campbell	Joseph V. McLernan
Robert J. Chadwick	Paul G. McMahon
Clement C. Chamberlain	Alexander P. McMillan
Byron T. Chen	Edward J. Megarr
Charles G. Cooper	David G. Mehargue
Harry O. Cowing, Jr.	Richard D. Mickelson
William S. Daniels	William R. Miller, Jr.
John K. Davis	Anthony A. Monti
Hillmer F. Deatley	Ira L. Morgan, Jr.
Birchard B. Dewitt	Rodney B. Moss
Frank L. Dixon, Jr.	Ross L. Mulford
Lawrence R. Dorsa	Joseph Nastasi
Joshua W. Dorsey III	Albert O. Nelson
Edward J. Driscoll, Jr.	George L. Newton
Jimmie W. Duncan	Paul W. Niesen
Cecil G. Dunnagan	James R. O'Mara
Theodore S. Eschholz	William K. Parcell
Donald L. Evans, Jr.	John W. Parchen
James E. Fegley	Reagan L. Preis
Mark P. Fennessy	Vincent J. Pross, Jr.
Paul R. Fields	Heman J. Redfield III
Charles R. Figard	David M. Ridderhof
William B. Fleming	Kenneth L. Robinson, Jr.
Herbert L. Fogarty	William K. Rockey
Kenneth S. Foley	Earl F. Roth, Jr.
Eugene D. Foxworth, Jr.	Edward J. Rutty
Joseph J. Gambarella	Raymond M. Ryan
Jesse L. Gibney, Jr.	Joseph L. Sadowski
Carlton D. Goodiel, Jr.	Cornelius F. Savage, Jr.
John E. Greenwood	Joseph F. Schoen, Jr.
William R. Grubaugh	Richard C. Schulze
Robert E. Gruenler	Ural W. Shadrick
John R. Hansford	Parks H. Simpson
Elwin B. Hart	Erin D. Smith
William M. Herrin, Jr.	William J. Spiesel
Henry Hoppe III	Donald C. Stanton
William K. Horn	Donald R. Stiver
George W. Houck	Robert M. Stowers
Dwight E. Howard	John H. Strope
Robert E. Howard, Jr.	Otto I. Svenson, Jr.
David J. Hunter	Oral R. Swigart, Jr.
Robert E. Hunter, Jr.	Aubrey W. Talbert, Jr.
David J. Hytrek	John M. Terry, Jr.
Corbin J. Johnson	Francis H. Thurston
Charles M. Jones, Jr.	Edward A. Timmes
Don L. Keller	Rodolfo L. Trevino
William D. Kent	George F. Tubley
Edwin C. King	Robert J. Tunnell, Jr.
Elliott R. Laine, Jr.	James S. Turner
James W. Laster	David M. Twomey
Frederick D. Leder	Hiel L. Vancampen
Carl R. Lundquist	Wendell N. Vest
Dean C. Macho	Hal W. Vincent
William R. Maloney	Robert A. Walker
Jerry F. Mathis	Ralph D. Wallace
Bain McClinton	Charles A. Webster
William G. McCool	Thomas B. White, Jr.
Norman B. McCary	William V. White
	Gary Wilder
	Paul E. Wilson
	James W. Wood
	Arnold G. Ziegler

#### CONFIRMATIONS

Executive nominations confirmed by the Senate August 24, 1970:

##### DEPARTMENT OF COMMERCE

William Robert McLellan, of California, to be an Assistant Secretary of Commerce.

##### FEDERAL TRADE COMMISSION

Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1969.

##### IN THE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The nominations beginning Edward M. Gelb, to be lieutenant, and ending Stephen L. Wood, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 7, 1970.